# BOARD OF COUNTY COMMISSIONERS
# ZONING HEARINGS

## THURSDAY, MARCH 17, 2011

**PLACE OF MEETING:** COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

**TIME OF MEETING** 9:30 A.M.

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| REMAND | HEARING # | DISTRICT |
|---|---|---|
| **A. RENE MIGUEL VALDEZ** | **05-364 (Appeal)** | **10** |

Request: - District Boundary Change from RU-1 to RU-5A
Or in the alternative, Use Variance to permit RU-5A
Uses in the RU-1 zone.

Location: 2425 SW 82 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB).

**CURRENT**

| | | |
|---|---|---|
| **1. ANGEL & MARIA LLIZO** | **07-103** | **12** |

Request: - Unusual Use to permit a Concrete Masonry Unit/Concrete Block Plant in conjunction with an existing Concrete Batching Plant with Lake Excavations on properties Located in several sections.

Location: The Northeast corner of NW 14 Street & NW 128 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB).

| | | |
|---|---|---|
| **2. SANTA FE HACIENDAS, LLC** | **09-176** | **11** |

Request: - Unusual Use to permit a Lake Excavation and ancillary Rock crushing and screening plant.

Location: Lying west of SW 177 Avenue (Krome Avenue) and South of theoretical SW 90 Street, Miami-Dade County, Florida.
Outside the Urban Development Boundary (UDB).

# BOARD OF COUNTY COMMISSIONERS
# ZONING HEARINGS

## THURSDAY, MARCH 17, 2011

| CURRENT | HEARING # | DISTRICT |
|---|---|---|
| 3. ASPIRA OF FLORIDA, INC. | 10-030 (DIC) | 9 |

Request: - Modify a resolution and a covenant to allow the applicant To submit a new site plan showing a relocation of a Classroom building, extend the time permitted for The modular building and to increase the number of Students.

Location: 13330 SW 288 Street,, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB).

# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

**COUNTY COMMISSION MEETING OF THURSDAY, MARCH 17, 2011**

**NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND**

**ALL PARTIES SHOULD BE PRESENT AT THAT TIME**

**ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.**

**NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.**

**THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.**

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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**A. RENE MIGUEL VALDEZ (06-10-CZ10-2/05-364)** **15-54-40**
**BCC/District 10**

(1) RU-1 TO RU-5A.

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zoning district.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed RU-5A Zoning For: Rene Miguel Valdez," as prepared by G.J.R., Architects, consisting of 2 sheets, dated 11/18/05 Plans may be modified at public hearing.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.307 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice of request #1 and approval with conditions of request #2, subject to the Board's acceptance of the proffered covenant.

Protests: 164 Waivers: 11

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

Remanded from the Circuit Court to the Board of County Commissioners

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**1. ANGEL & MARIA LLIZO (11-3-CC-1/07-103)** **35-53-39**
**BCC/District 12**

(1) UNUSUAL USE to permit a Concrete Masonry Unit/Concrete Block Plant in conjunction with an existing Concrete Batching Plant with lake excavations on properties located in Sections 22, 23, 25, 26 and 35 of Township 53 South, Range 39 East.

(2) MODIFICATION of Conditions #2 & #6 of Resolution No. 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Amaralto Concrete Layout Plan," as prepared by EAS Engineering, Inc., dated 7-23-96 on Sheet C-1, and dated last revised 9-6-96 on Sheet C-2, for a total of two sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " Amaralto Concrete", with a Site Plan prepared by Ford Engineers, Inc., a Landscape Plan prepared by Witkins Hults Design Group, Floor and Elevation plans prepared by Shremshock Architects, Inc., consisting of 4 sheets and 2 sheets prepared by Francisco A. Benitez, AIA, all dated stamped received 7/27/10 for a total of 8 sheets.

FROM: "6. That at the time that all three excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 are completed, the operation of the concrete batching plant shall be abated.

TO: "6. That at the time that all lake excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 and Resolution 4-ZAB-224-84, Section 22 & 23/53/39 are completed, the operation of the concrete batching plant shall be abated.

(3) DELETION of Conditions #4 and #5 of Resolution No. 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, reading as follows:

"4. That a minimum of forty (40) trees, 12' to 14' at time of planting 25' off-center be installed along the east property line adjacent to N.W. 127 Avenue.

"5. That a continuous 3' hedge at time of planting (except at drive cuts) be installed along the east (N.W. 127 Avenue) property line.

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan to include an additional concrete masonry unit/concrete block plant for the previously approved concrete batching plant and to delete the conditions which required the applicant to provide certain landscaping imposed by the Board.

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

LOCATION: The northeast corner of N.W. 14 Street & N.W. 128 Avenue,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.5 Acres

Department of Planning and Zoning Recommendation: Approval with condition of requests #1 and #2; denial without prejudice of request #3.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

**2. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)** **01-55-38 BCC/District 11**

(1) UNUSUAL USE to permit a Lake Excavation and an ancillary rock crushing and screening plant.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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**3. ASPIRA OF FLORIDA, INC. (11-3-CC-3/10-030)** **02-57-39 BCC/District 9**

(1) MODIFICATION of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners and reads as follows:

FROM: "2. That the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School" as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be modified at the public hearing on the Application (the "Plan").

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Aspira South Charter School," as prepared by Rolando Llanes consisting of eight (8) sheets and dated stamped received October 26, 2010.

FROM: "7. That the modular structure be removed from the property upon completion of the mew two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. That the modular structure shall be removed from the property upon completion of the new two-story educational facility, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

(2) MODIFICATION of Paragraph Nos. 6 and 7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 as follows:

FROM: "6. Phase I of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year.

TO: "6. Phase I of the Charter School shall be limited to a maximum of 400 students. . Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School.

FROM: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

The purpose of the above requests is to allow the applicant to submit a new site plan showing a relocation of one the of classroom buildings, to extend the time permitted for the use of the modular building and to increase the number of students permitted in Phase I of the Charter School.

(3) Applicant is requesting to permit the existing cafetorium building setback 29'-0" from the interior side (north) property line, (50' required, 29'-4" previously approved).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

LOCATION: 13330 S.W. 288 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.53 Acres

Developmental Impact Committee Recommendation: Approval with conditions, subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE:_____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Planning and Zoning at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**A. RENE MIGUEL VALDEZ**
**(Applicant)**

**06-10-CZ10-2 (05-364)**
**BCC/District 10**
**Hearing Date: 03/17/11**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| | No History | | | |

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

ZONING ACTION

MEMORANDUM

**Harvey Ruvin**
**Clerk of the Circuit and County Courts**
**Clerk of the Board of County Commissioners**
**(305) 375-5126**
**(305) 375-2484 FAX**
**www.miami-dadeclerk.com**

**DATE:** April 26, 2007 **#Z-06-07**

**ITEM: A.**

**APPLICANT:** Rene Miguel Valdez

**MOTION:** Denied the appeal and upheld the decision of the CZAB which denied the application with prejudice

| ROLL CALL | M/S | YES | NO | ABSENT |
|---|---|---|---|---|
| Diaz | | X | | |
| Edmonson | | | | X |
| Gimenez | | X | | |
| Heyman | | | | X |
| Martinez | | X | | |
| Moss | S | | | |
| Rolle | | X | | |
| Seijas | | | | X |
| Sorenson | | X | | |
| Sosa | | X | | |
| Souto | M | | | |
| **Vice Chairwoman Jordan** | | X | | |
| **Chairman Barreiro** | | X | | |
| **TOTAL** | | 10 | 0 | 3 |

ZONING ACTION

MEMORANDUM

**Harvey Ruvin**
**Clerk of the Circuit and County Courts**
**Clerk of the Board of County Commissioners**
**(305) 375-5126**
**(305) 375-2484 FAX**
www.miami-dadeclerk.com

**DATE:** 2/8/2007 **#Z-**

**ITEM: 1.**
**APPLICANT: RENE MIGUEL VALDEZ**
**(06-10-CZ10-2/05-364)**

**MOTION:** to defer the foregoing application to the April 26, 2007, BCC Zoning meeting, with leave to amend; and to correct the advertisement with a new notice to the applicant.

| ROLL CALL | M/S | YES | NO | ABSENT |
|---|---|---|---|---|
| Diaz | | X | | |
| Edmonson | | X | | |
| Gimenez | | X | | |
| Heyman | | X | | |
| Martinez | | X | | |
| Moss | | X | | |
| Rolle | | X | | |
| Seijas | | X | | |
| Sorenson | | X | | |
| Sosa | | | | X |
| Souto | | X | | |
| **Vice Chairwoman Jordan** | | X | | |
| **Chairman Barreiro** | | | | X |
| **TOTAL** | | **11** | **0** | **2** |

# MIAMI-DADE COUNTY
# COMMUNITY ZONING APPEALS BOARD - AREA 10
# MOTION SLIP

**2**

APPLICANT'S NAME: RENE MIGUEL VALDEZ

REPRESENTATIVE: **APPLICANT, PHIL WARD, ADRIAN PARADOS**

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 06-10-CZ10-2 (05-364) | OCTOBER 17, 2006 | CZAB10 | **62** | 06 |

**REQ**: (1) RU-1 to RU-5A.....OR IN THE ALTERNATIVE.....(2) UV permit RU-5A uses in RU-1

**REC: DWOP**

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

☐ DEFER: ☐ INDEFINITELY ☐ TO:_____ ☐ W/LEAVE TO AMEND

■ DENY: ■ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

☐

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| VICE-CHAIRMAN | | Juan Carlos ACOSTA | X | | |
| MR. | | Javier A. BETANCOURT | | | X |
| MR. | M | Julio R. CACERES | X | | |
| MR. | | Manuel CASAS | X | | |
| MR. | S | Jose GARRIDO (C.A.) | X | | |
| CHAIRMAN | | Carlos A. MANRIQUE | X | | |
| | | VOTE: | 5 | 0 | |

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **DAVID HOPE**

4

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Rene Miguel Valdez **PH:** Z05-364 (06-10-CZ10-2)

**SECTION:** 15-54-40 **DATE:** March 17, 2011

**COMMISSION DISTRICT:** 10 **ITEM NO.:** A

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## A. INTRODUCTION

- **SUMMARY OF REQUESTS:**

  The applicant is requesting a district boundary change on the subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, or in the alternative, a use variance to permit RU-5A office uses in the RU-1 zoning district.

- **REQUESTS:**

  THE BOARD OF COUNTY COMMISSIONERS WILL BE CONDUCTING PROCEEDINGS ON REMAND FROM CIRCUIT COURT WITH DIRECTIONS TO APPROVE THE FOLLOWING:

  (1) RU-1 to RU-5A

  OR IN THE ALTERNATIVE:

  (2) Use Variance to permit RU-5A uses in the RU-1 zone.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated stamped received 11/18/05. Plans may be modified at public hearing.

- **LOCATION:** 2425 SW 82 Avenue, Miami-Dade County, Florida.

- **SIZE:** 0.307 Acres

**B. ZONING HEARINGS HISTORY:** In October 2006, the Community Zoning Appeals Board 10 (CZAB 10) denied with prejudice the applicant's requests for a zone change from RU-1 to RU-5A or in the alternative a use variance to permit RU-5A uses in the RU-1 zone, pursuant to Resolution No. CZAB10-62-06. The applicant appealed CZAB 10's decision to the BCC which denied said appeal with prejudice, pursuant to Resolution No. Z-6-07. This application has been remanded to the Board of County Commissioners (BCC) by the Circuit Court of the Eleventh Judicial Circuit with instructions to act in accordance with Court's Opinion which rejected the Board's decision to deny the application. The Circuit Court quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for* ***Low Density Residential*** *use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*

2. *Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.*

3. ***Office uses*** *smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way*

*exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.*

*In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.*

4. ***Policy LU-4D**. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.*

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| Subject Property: | |
| RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |

**Surrounding Properties:**

| | | |
|---|---|---|
| **NORTH:** | RU-2; Travel agency and Insurance company | Low Density Residential, 2.5 to 6 dua |
| **SOUTH:** | RU-1; Group home | Low Density Residential, 2.5 to 6 dua |
| **EAST:** | RU-1; Single-family residence | Low Density Residential, 2.5 to 6 dua |
| **WEST:** | RU-1; Office and Single-family residence | Low Density Residential, 2.5 to 6 dua |

## F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

*In evaluating an application for a **district boundary change, Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:*

*(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*

*(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*

*(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*

*(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*

*(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*

***Section 33-311(A)(4)(a) Use Variance.*** *The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a*

*variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.*

## G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

| | |
|---|---|
| DERM | **No objection*** |
| Public Works | **No objection*** |
| Parks | **No comment** |
| MDT | **No comment** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |

*Subject to the conditions indicated in their memoranda.

## H. PLANNING AND ZONING ANALYSIS:

This application has been remanded to the Board of County Commissioners (BCC) by the Circuit Court of the Eleventh Judicial Circuit with instructions to act in accordance with said court's opinion which rejected the Board's decision to deny the application. The applicant, Rene Miguel Valdes, appealed the decision of the BCC by seeking the issuance of a writ of certiorari from the Appellate Division of the 11th Judicial Circuit Court to quash the BCC's denial of the application (Resolution No. Z-6-07).

On October 17, 2006, pursuant to Resolution CZAB10-62-06, the Community Zoning Appeals Board – 10 (CZAB-10) denied with prejudice this application by a vote of 5 to 0. On November 6, 2006, the applicant appealed the CZAB-10's decision to this Board which denied the appeal by a vote of 10-0, pursuant to Resolution No. Z-6-07. Upon review, the appellate court found that the Board's decision to deny this application is not fairly debatable, amounts to reverse spot zoning and does not comport with the essential requirements of the law, thereby resulting in a miscarriage of justice (Circuit Court Case No. 07-304-AP). The Circuit Court granted certiorari and quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application. The County appealed the Circuit Court decision to the 3rd District Court of Appeal. The 3rd District Court of Appeal affirmed the Circuit Court's decision, though there was a vigorous dissent by a member of the court. The Florida Supreme Court denied further review of this case.

The applicant indicated on the appeal application to this Board that the subject property fronts on SW 82 Avenue, a half section-line road, and is located one lot to the south of the SW 24 Street (Coral Way). Additionally, the applicant notes that the subject property is impacted by substantial traffic along SW 82 Avenue, and indicates that the subject property is also impacted by the neighboring office uses found to the north and west, and by the adult congregate living facility to the south. The applicant maintains that the property is no longer appropriate for residential use.

The subject property is located at 2425 SW 82 Avenue, approximately 140' south of SW 24 Street (Coral Way), in an area characterized by single-family homes, a group home, and office/residential conversions. The 0.307-acre subject site is currently improved with a one-story single-family residence. The applicant seeks to change the zoning on the subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-

Professional Office District, or in the alternative, a use variance to permit RU-5A uses in the RU-1 zoning district.

RU-5A uses include, but are not limited to, office buildings for accountants, architects, attorneys, dentists, medical doctors, notary publics, real estate, and travel agencies as well as banks without drive-through teller facilities. However, the applicant indicated in their Letter of Intent that the purpose of the zone change is to permit an architect's office. Staff notes that the applicant has proffered a covenant specifically restricting the office use on the site to that of an architect's office. Plans submitted by the applicant demonstrate that the subject site complies with all RU-5A zoning requirements for setbacks and lot coverage, including the compulsory parking requirements needed for office use.

Approval of either request would allow the applicant to provide semi-professional office services for the community. The subject site is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The CDMP provides that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does the subject frontage face such an Estate Density area.

The subject property meets some of the aforementioned criteria of the Master Plan for approval of office uses within residential designations in that the subject property is less than one acre in size and is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential. However, although the subject property is located on a half-section line roadway (SW 82 Avenue) it does not front on a "major roadway" as designated on the Land Use Plan map.

Notwithstanding the foregoing, the Master Plan also indicates that where other office, business or industrial uses exist on the same block face, approval of similar requests may be granted. However, where such an office, business or industrial use exists on a corner lot of a subject block face or block end, approval of office uses elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. One of the two neighboring parcels to the north, situated on the corner of SW 82 Avenue and Coral Way, was granted a use variance to permit all RU-5A uses in an RU-1 zone, pursuant to Resolution No. #Z-192-90; but cannot be considered as part of the same block face where the subject property lies, since it fronts Coral Way, the more heavily trafficked side.

Moreover, Resolution No. 4-ZAB-133-71 also approved a use variance on the other neighboring parcel to the north of the subject property also facing Coral Way and the property to the west of the subject site was granted approval of a use variance to permit a janitorial office in the RU-1 zone as would be permitted in the RU-5A zone, pursuant to Resolution No. Z-112-91. It should be noted that the parcel to the south of the subject property on the same block face has an existing group home which staff notes is a

permitted RU-1 use, is considered a single-family residential use and is limited to no more than 6 people residing on the premises.

Notwithstanding the foregoing, the appellate court determined that operating a group home for the elderly is commercial in nature and concluded that the subject site is "...a veritable island or, at the very least, a peninsula in a sea of commercially zoned property..." Based on the findings of the Court, staff opines that the subject site meets the CDMP criteria for the approval of an office use in a residential community in that a commercial use (group home) lawfully exists on the same blockface as the subject site. In addition, since the subject site abuts lawfully existing office uses to the north and west, staff opines that the introduction of an office use on this site is **compatible** with the other office uses located to the north and west of the site and with the existing group home located to the south of the site. Policy LU-4D of the CDMP states that uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements. Staff notes that the submitted plans illustrate a 6' high Cherry Hedge along the north, east and south property lines with palms and Live Oak trees which staff opines will effectively buffer the office use from the surrounding properties. As such the staff opines that the proposed architect's office as illustrated on the submitted plans is consistent with Policy LU-4D of the CDMP and with the interpretative text of the CDMP for the approval of office uses in residential communities. Although, staff notes that the requested rezoning to RU-5A would be **compatible** with the surrounding office uses and **consistent** with the CDMP, **staff is supportive of the alternative use variance request subject to the Board's acceptance of the proffered covenant which limits the office use on the site to an architect's office, in that none of the properties that abut the subject site are zoned RU-5A.**

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the requested RU-5A zoning would be **consistent** with the interpretative text of the CDMP and **compatible** with the neighboring office uses to the north and west of the subject property and with the existing group home to the south of the subject site.

Staff notes that the proposed architect's office will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally when considering zone changes, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County. The approval of this application will not have an unfavorable impact on the economy nor on the environmental and natural resources of Miami-Dade County. Furthermore, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The applicant seeks to change the zoning on the subject property from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, to allow the applicant to provide semi-professional office services for the community. As previously mentioned, the applicant has proffered a covenant specifically restricting the office use on the site to that of an architect's office.

Staff's research reveals that most of the single-family residential lots fronting on SW 24 Street, between SW 82 Place and SW 79 Court, have gradually converted to non-residential uses and offices. Specific research indicates that of the 15 lots that front on Coral Way between those four blocks, only three lots are still in residential use; numerous public hearings have approved use variances as early as 1963 and as recent as an RU-5A district boundary change approval in 2007. Most, if not all, of these land use conversions are due to the increase in traffic and noise associated with Coral Way, which over the years have negatively impacted the quality of life of residents with homes fronting said corridor. Additionally, the placement of office uses is better located where traffic activity is intense and the roadway is well traveled, as opposed to having residences front such a busy vehicular corridor. Notwithstanding the foregoing, staff opines that RU-5A zoning should be limited to those lots fronting on SW 24 Street (Coral Way) and notes that although the properties to the north and west of the subject site have been granted approval at public hearing to permit office uses, staff notes that said properties are zoned RU-2 and RU-1 respectively. Moreover, staff notes that none of the properties along SW 82 Avenue are zoned RU-5A and therefore staff opines that the introduction of RU-5A zoning on the subject site would create an "island" of RU-5A zoning midblock along SW 82 Avenue. Although, staff notes that the requested rezoning to RU-5A would be **compatible** with the surrounding office uses and **consistent** with the CDMP, staff is supportive of the alternative use variance request subject to the Board's acceptance of the proffered covenant which limits the office use on the site to an architect's office, in that none of the properties that abut the subject site are zoned RU-5A. **Therefore, staff recommends denial without prejudice of request #1.**

In the alternative to the district boundary change (request #1), the applicant is requesting a use variance to permit RU-5A uses in the RU-1 zone. A use variance, as stated in Section 33-311(A)(4)(a), is a variance which permits a use of land other than that which is prescribed by the zoning regulations. Section 33-311(A)(4)(a) also states that the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulations.

As previously mentioned the Circuit Court granted certiorari and quashed the BCC's decision to sustain the Community Zoning Appeals Board 10 decision to deny this application. Staff notes that use variances were approved on two parcels of land abutting the subject property to the north, pursuant to Resolution Nos. Z-192-90 and 4-ZAB-133-71. Furthermore, the appellate court determined that operating a group home for the elderly is commercial in nature and concluded that the subject site is "...a veritable island or, at the very least, a peninsula in a sea of commercially zoned property that substantially diminishes or renders its value to be virtually worthless as a residential property." Based on the aforementioned, staff concurs with the Court's finding and opines that the subject site is no longer conducive for use as a single-family residence. Therefore, staff is of the opinion that the approval of the requested use variance to permit semi-professional office uses in the RU-1 zone as would be permitted in the RU-5A zone on the subject property, subject to the Board's acceptance of the proffered covenant, will not be contrary to the public interest and will be in harmony with the general purpose and intent of the regulations which is to promote development that is compatible with the surrounding area. Staff's research as well as the opinion issued by the Circuit Court reveals that due to the conversion of the area to predominantly office usage, special conditions have transpired in

the surrounding area whereby a literal enforcement of the provisions of the RU-1 zoning regulations would result in **unnecessary hardship**. In staff's opinion, the spirit of the regulations shall be observed and substantial justice done by the approval of the semi-professional office use on this site. **Therefore, staff recommends approval with conditions of the requested use variance under Section 33-311(A)(4)(a), subject to the Board's acceptance of the proffered covenant.**

## I. RECOMMENDATION:

**Denial without prejudice of request #1 and approval with conditions of request #2, subject to the Board's acceptance of the proffered covenant.**

## J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, parking, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated stamped received 11/18/05, except as herein modified to show a 5' high wood fence in lieu of the chain link fence along the interior side (north and south) property lines and rear (east) property line.

3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

4. That the use be established and maintained in accordance with the approved plan.

5. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

6. That the applicant install a 5' high wood fence along the interior side (north and south) property lines and the rear (east) property line. Said fence shall be installed prior to final zoning inspection for the proposed addition.

7. That the use be restricted to an architect's office only, pursuant to the proffered covenant.

**DATE TYPED:** 02/03/11
**DATE REVISED:** 02/04/11; 02/08/11; 02/25/11
**DATE FINALIZED:** 02/25/11
MCL:GR:NN:TA:NC

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** February 7, 2011

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

**Subject:** C-10 #Z2005000364-2nd Revision
Rene Miguel Valdez
2425 SW 82nd Avenue
District Boundary Change from RU-1 to RU-5A
(RU-1) (0.31 Ac)
15-54-40

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal
Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
Site grading and development shall comply with the requirements of Section 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood

protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined by Section 24-5 of the Code. Therefore, a DERM Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History
DERM has found no open or closed formal enforcement records for the subject properties.

Concurrency Review Summary
DERM has conducted a concurrency review for this application, and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement, and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

REVISION 1

PH# Z2005000364
CZAB - BCC

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: RENE MIGUEL VALDEZ

This Department has no objections to this application subject to the following:

Parking space #10 must have 5 feet of paved aisle end back-out at time of permitting.

Landscaping and fences must comply with safe site distance triangle requirements set forth in Sec. 33-11 of the Miami-Dade County Code.

The proposed use of this application generates the same number of vehicle trips as the existing use and will not generate any new vehicle trips; therefore this application meets the Initial Traffic Concurrency Criteria.

Raul A Pino, P.L.S.
02-FEB-11

**This instrument was prepared by:**
**Name:** **Jeffrey M. Flanagan, Esq.**
**Address:** **Flanagan & Williard, P.A.**
**1450 Madruga Avenue**
**Suite 407**
**Coral Gables, FL 33146**

**DRAFT**

**(Space reserved for Clerk)**

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## DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*IN ORDER TO ASSURE* the **County** that the representations made by the owner during consideration of Public Hearing No. 05-364 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by G.J.R. Architects entitled, "Proposed RU-5A Zoning for Rene Miguel Valdes," dated _____, said plans being on file with the Miami-Dade County department of Planning and Zoning, and by reference made a part hereof ("Site Plan").
(2) Parking space #10 in the Site Plan shall have 5 feet of aisle end back-out, and all landscaping and fences shall comply with safe-site distance triangle requirements.
(3) The Property shall be used as an architect's office or for any uses allowed pursuant to the underlying RU-1 zoning regulations.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land**. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future

owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections**. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and

approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability**. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

**Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

Signed, witnessed, executed and acknowledged this ____ day of _____ 2011.

Witnesses:

_____ _____

Print Name:_____ Maria Nela Valdes

_____

Print Name:_____

STATE OF FLORIDA )
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by_____ who is personally known to me or who produced _____ as identification.

_____
Notary Public, State of Florida at Large

My Commission Expires:



**Section-Township-Range: 15-54-40**
**Folio number: 30-4015-005-0880**

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY AW AMOUNT OF FEE $1,902.82

RECEIPT # I20062126

DATE HEARD: 10/17/06

BY CZAB # 10

RECEIVED 05-364

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY DATE RECEIVED STAMP

**********

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 06-10-C210-2 (05-364) _____.

Filed in the name of (Applicant) Rene Miguel Valdes

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 2425 S.W. 82nd Avenue

Application, or part of Application being Appealed (Explanation):

Entire Appealable Application

Appellant (name): Rene Miguel Valdes
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The property fronts on SW 82 Avenue, a half-section line road. The property is one lot removed from the intersection of Coral Way (S.W. 24th Street). This section of SW 82 Avenue is affected by substantial traffic. The property is also impacted by office use to the south and west, and an adult congregate living facility to the north. The property is no longer appropriate for residential use.

**APPELLANT MUST SIGN THIS PAGE**

Date: 6 day of November, year: 2006

Signed _____

Rene M. Valdes
Print Name

2425 SW 82 AVE Miami, FL 331
Mailing Address

(305) 579-0644 (305) 961-5644
Phone Fax

**REPRESENTATIVE'S AFFIDAVIT**
If you are filing as representative of an association or other entity, so indicate:

Rene M. Valdes
Representing

_____
Signature

Simon Fern
Print Name

1221 Brickell Ave
Address

Miami FL 33131
City State Zip

305 579-0644
Telephone Number

Subscribed and Sworn to before me on the 6 day of November, year 2006

Leyla M Lucas
Notary Public

(stamp/seal)

Commission expires:

Notary Public State of Florida
Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

**APPELLANT'S AFFIDAVIT OF STANDING**
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Rene M. Valdes (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

___1. Participation at the hearing
✓ 2. Original Applicant
___3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Signature

Simon Ferro
Print Name

Leyla M Lucas
Signature

Leyla M Lucas
Print Name

Rene M Valdes
Appellant's signature

Rene M. Valdes
Print Name

Sworn to and subscribed before me on the 6 day of November, year 2006

Appellant is personally know to me or has produced FL. DL. as identification.

Leyla M Lucas
Notary
(Stamp/Seal)

Commission Expires:

[b:forms/affidapl.sam(11/03)]

Notary Public State of Florida
Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

**Approved:** _____ **Mayor**

**Veto:** _____

**Override:** _____

**RESOLUTION NO. Z-6-07**

*WHEREAS,* **RENE MIGUEL VALDEZ** applied to Community Zoning Appeals Board 10 for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to RU-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that said application was denied by Resolution No. CZAB10-62-06, and

*WHEREAS,* **RENE MIGUEL VALDEZ** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21 AND THE SOUTH ½ OF ALLEY LYING NORTH AND ADJACENT PER R-941-74.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-62-06 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) would not be compatible with the neighborhood and area concerned and would be in

conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS,* a motion to deny the appeal with prejudice, sustain the decision of Community Zoning Appeals Board 10, and deny the application with prejudice was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

| | | | |
|---|---|---|---|
| Jose "Pepe" Diaz | aye | Dennis C. Moss | aye |
| Audrey M. Edmonson | absent | Dorrin D. Rolle | aye |
| Carlos A. Gimmenez | aye | Natacha Seijas | absent |
| Sally A. Heyman | absent | Katy Sorenson | aye |
| Barbara J. Jordan | aye | Rebecca Sosa | aye |
| Joe A. Martinez | aye | Sen. Javier D. Souto | aye |

Bruno A. Barreiro aye

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied with prejudice and the decision of Community Zoning Appeals Board 10 is sustained.

*BE IT FURTHER RESOLVED* that the requested district boundary change to RU-5A (Item #1), be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED* that the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB10-62-06 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED* this 26th day of April, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-10-CZ10-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17TH DAY OF MAY, 2007.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-6-07 adopted by said Board of County Commissioners at its meeting held on the 26th day of April, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 17th day of May, 2007.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

**SEAL**

**RESOLUTION NO. CZAB10-62-06**

*WHEREAS*, **RENE MIGUEL VALDEZ** applied for the following:

(1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

(2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to deny Items #1 & 2 with prejudice was offered by Julio R. Caceres, seconded by Jose Garrido, and upon a poll of the members present the vote was as follows:

| | | | |
|---|---|---|---|
| Juan Carlos Acosta | aye | Manuel Casas | aye |
| Javier A. Betancourt | absent | Jose Garrido | aye |
| Julio R. Caceres | aye | | |

Carlos A. Manrique aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU-5A (Item #1), be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED,* that the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) be and the same is hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 17th day of October, 2006.

Hearing No. 06-10-CZ10-2
ls

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-62-06 adopted by said Community Zoning Appeals Board at its meeting held on the 17th day of October 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 24th day of October 2006.

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

**SEAL**

PLANNING AND ZONING
AGENDA OFFICE
2011 FEB -4 P 12: 15

NOT FINAL UNTIL TIME EXPIRES
TO FILE RE-HEARING MOTION,
AND, IF FILED, DISPOSED OF.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA

VANESTHER FLETCHER
FILED FOR RECORD
2008 MAR 31 PM 2: 31
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #101

RENE MIGUEL VALDEZ,

Petitioner,

v.

MIAMI DADE COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

APPELLATE DIVISION

CASE NUMBER: 07-304 AP

LOWER CASE NO: Z-607

Opinion filed: March 31, 2008.

On Petition for Writ of Certiorari from the Miami-Dade County Board of County Commissioners.

Javier L. Gonzalez, Esq., of Gonzalez & Rodriguez, P.L., for Petitioner.

John McInnis, Esq., Assistant Miami-Dade County Attorney, for Respondent.

Before SOTO, LEBAN, and VENZER, JJ.

VENZER, J.

Petitioner Rene Miguel Valdez ("Mr. Valdez") seeks review of a decision by the Miami-Dade County Board of County Commissioners ("the Board"). The Board sustained the Community Zoning Appeals Board 10's decision to deny Mr. Valdez's application for a boundary change from RU-1 (single family use) to RU-5A (semi-professional office district), or

Received by
Zoning Agenda Coordinator
FEB 04 2011



Received by
Zoning Agenda Coordinator
FEB 04 2011

in the alternative a use variance to permit a RU-5A use in the RU-1 zoning district[1] to allow an architectural office on the property's premises.

Upon receipt of a petition for writ of certiorari, this Court's review is limited to a three part standard: (1) whether procedural due process was accorded; (2) whether essential requirements of the law were observed; and (3) whether the findings and judgment were supported by competent substantial evidence. *Dep't of Highway Safety & Motor Vehicles v. Wejebe*, 954 So. 2d 1245, 1248 (Fla. 3d DCA 2007).

Procedural due process rights are afforded to an individual when the person receives notice and an opportunity to be heard. *Joshua v. City of Gainesville*, 768 So. 2d 432, 438 (Fla. 2000). The Board argues that the Mr. Valdez was afforded procedural due process because he received notice and a hearing before the Board of County Commissioners. Mr. Valdez contends that he was denied his right to due process of law because of a commissioner's comments at the hearing.[2] The record reflects that Mr. Valdez did not object to the commissioner's comments

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[1] Resolution No. Z-6-07 states in part that ". . . it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-62-06 and that the appeal should be denied and decision of the Community Zoning Appeals Board 10 should be sustained. . . ." (R. at 2.)

[2] Mr. Valdez argues that Rule 7.01(g) of the Rules of Procedure governing the Board of County Commissioners was violated because Commissioner Souto made comments that implied that Mr. Valdez and his counsel were friends. The Commissioner even referred to Mr. Valdez as family. On April 26, 2007, Commissioner Souto made the following comments at the hearing:

> [Commissioner Souto]: And I'm in the same situation here basically. These fellows in front of me are some of my best friends. Simon over there, Simon Ferro, is one of my best friends. Mr. Valdes [sic] too, my best friends. His brother was one of my best friends. And to the extent the word for this, we're friends, like family. But this has nothing to do with family or friends. This has to do with what's right or what's not right, and I hope they understand that and that everyone understands that.

Hr'g Tr. 32:8-20, Apr. 26, 2007 (R. at 37.)

even after the votes were recorded.[3] We find that Mr. Valdez was afforded due process because he had notice and ample opportunity to participate at the Board hearing. Moreover, Mr. Valdez's failure to object at the hearing precludes him from raising the issue for the first time on appeal. *First City Sav. Corp. of Tex. v. S & B Partners*, 548 So. 2d 1156, 1158 (Fla. 5th DCA 1989) (circuit court on certiorari review of zoning decision will not consider issues not presented to the county commission), *review dismissed,* 554 So. 2d 1168 (Fla. 1989).

A departure from the essential requirements of law occurs when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 528 (Fla. 1995).

The Florida Supreme Court has utilized the fairly debatable test to uphold zoning ordinances. *City of Miami Beach v. Lachman*, 71 So. 2d 148, 152 (Fla. 1953). So long as a zoning restriction is fairly debatable, that is, when it is "open to dispute or controversy on grounds that make sense, whether the zoning restriction advances the public health, welfare, safety, or morals of the community, the subject restriction is considered to be constitutional." *City Comm'n of City of Miami v. Woodlawn Park Cemetery Co.*, 553 So. 2d 1227, 1230 (Fla. 3d DCA 1989) (footnote and citations omitted).

However, if the zoning ordinance results in reverse spot zoning, then the restriction is not fairly debatable because it is confiscatory and invalid. *City of Miami Beach v. Robbins*, 702 So. 2d 1329, 1330 (Fla. 3d DCA 1997). In *Robbins*, the Third District Court of Appeal noted:

> Reverse spot zoning occurs when the ordinance prevents a property owner from utilizing his or her property in a certain way, when virtually all of the adjoining neighbors are not subject to such a restriction, creating, in effect, a veritable

---

[3] Out of thirteen Commissioners voting, three commissioners were absent. The remaining ten Commissioners voted to deny Mr. Valdez's appeal with prejudice and sustain the Community Zoning Appeal Board 10's decision. (R. at 3.)

> zoning island or zoning peninsula in a surrounding sea of contrary zoning classification.

*Id.*

In the case at bar, Mr. Valdez's property is located at 2425 S.W. 82nd Avenue in unincorporated Miami-Dade County, Florida. Mr. Valdez requested a zoning change from RU-1, single residential district, to RU-5A, semi-professional office district *or in the alternative* a use variance to permit an RU-5A classification to allow an architect's office on the premises. However, the Board decided that Mr. Valdez's request for a zoning change was incompatible with the area concerned and inconsistent with the intent of the land development plan for Miami-Dade County.

Upon this Court's review of the aerial, hearing, radius, and hand sketched maps of Mr. Valdez's property and the surrounding area (R. at 113-17), we are not persuaded by the Board's argument. Immediately north of Mr. Valdez's property is a travel agency and insurance company. Both of these properties have been granted use variances allowing RU-5A uses in an RU-2 zoning district. (Resp't Resp. to Pet. for Writ. of Cert., 4.) To the south of Mr. Valdez's property is a group home for the elderly which is still classified as RU-1. The Board avers that the group home is permitted to have RU-1 classification pursuant to section 419.001, Florida Statutes (2007). (Resp't Resp. to Pet. for Writ. of Cert., 4.) Typically, group homes have caretakers assisting the occupants or providing services to assist the elderly with daily activities. This Court is mindful of these activities and agrees with Mr. Valdez that operating a group home for the elderly is commercial in nature. To the east of Mr. Valdez's property, the land is classified as a single-family residence. (R. at 42.) However, the property to the west of Mr. Valdez's property is zoned single-family residence with a permitted office use.

Despite the large concentration of nonresidential activity surrounding Mr. Valdez's property, the Board denied Mr. Valdez similar zoning privileges as the surrounding property

owners. In *Woodlawn,* 553 So. 2d at 1233, the Third District held it confiscatory when a property owner is prevented from utilizing his property in a certain manner, even though adjoining property owners are not subject to the same restrictions.

The Board's denial of Mr. Valdez's request for a zoning change or use variance to permit an architectural office appears to us as arbitrary and not fairly debatable. As such, the Board's actions amount to reverse spot zoning which is impermissible. *See Debes v. City of Key West,* 690 So. 2d 700, 701 (Fla. 3d DCA 1997) (court noting that singling out the owner's property for disparate treatment represented an instance of "discriminatory spot zoning-or, in this context, spot planning-in reverse."); *see also Tollius v. City of Miami*, 96 So. 2d 122, 125 (Fla. 1957) (Supreme Court of Florida reversing a rezoning restriction because the property no longer retained the features at the time the zoning ordinance was passed and the block where the property was located was a veritable island); *Olive v. City of Jacksonville*, 328 So. 2d 854, 856 (Fla. 1st DCA 1976) (court holding that to deny the appellants' commercial zoning classification would constitute reverse spot zoning and the subject property was a literal peninsula); *Manilow v. City of Miami Beach*, 213 So. 2d 589, 592-93 (Fla. 3d DCA 1968) (court holding that to deny relief to the property owner would constitute reverse spot zoning and the property, except for the northern most part, was similar to a "veritable island"); *Kugel v. City of Miami Beach*, 206 So. 2d 282, 285 (Fla. 3d DCA 1968) (court holding that since the character of the property had been changed by other actions of the municipality, the zoning regulation was arbitrary and could not be characterized as fairly debatable). Similar to the reverse spot zoning examples we have cited, Mr. Valdez's property is a veritable island or, at the very least, a peninsula in a sea of commercially zoned property that substantially diminishes or renders its value to be virtually

worthless as a residential property. *See City of Miami Beach v. Robbins,* 702 So. 2d 1329, 1330 (Fla. 3d DCA 1997).

Therefore, we grant certiorari because the Board's decision does not comport with the essential requirements of the law and results in a miscarriage of justice. *Haines City Cmty. Dev. V. Heggs,* 658 So. 2d 523, 528 (Fla. 1995). The County Commission's decision to sustain the Community Zoning Appeals Board 10's decision to deny Mr. Valdez's application for a boundary change from RU-1 (single family use) to RU-5A (semi-professional office district), or in the alternative a use variance to permit a RU-5A use in the RU-1 zoning district, is quashed. The matter is remanded to the Board with instructions to act in accordance with this opinion. Certiorari granted.

SOTO and LEBAN, JJ., concur.

COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL

COPIES FURNISHED TO
COUNSEL OF RECORD AND
TO ANY PARTY NOT REPRESENTED
BY COUNSEL

REVISION 1

# Memorandum

**Date:** 01-FEB-11

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

**Subject:** Z2005000364

## Fire Prevention Unit:

No objection.

## Service Impact/Demand

Development for the above Z2005000364
located at 2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1441 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A (residential) | dwelling units | N/A (industrial) | square feet |
| 1,286 (Office) | square feet | N/A (institutional) | square feet |
| N/A (Retail) | square feet | N/A (nursing home/hospitals) | square feet |

Based on this development information, estimated service impact is: 0.29 alarms-annually.
The estimated average travel time is: 6:05 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 3 - Tropical Park - 3911 SW 82 Avenue
Rescue, ALS Engine

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments

Current service impact calculated based on Letter of Intent dated November 8, 2005. Substantial changes to the Letter of Intent will require additional service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

**DATE:** 09-FEB-11

REVISION 3

# BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

RENE MIGUEL VALDEZ

**APPLICANT**

2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2005000364

**HEARING NUMBER**

## HISTORY:

No current/open cases from Neighborhood Compliance and/or Building Divisions.

No prior cases from either division for the last 12 months.

None

## OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

None

## REPORTER NAME:

L. Cuellar

# ZONING INSPECTION REPORT

**Inspector:** MARTINEZ, RAMIRO **Inspection Dat**

**Evaluator:** JAMES MURPHY 02/09/11

| **Process #:** | **Applicant's Name** |
|---|---|
| Z2005000364 | RENE MIGUEL VALDEZ |

**Locations:** 2425 SW 82 AVE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 0.307 ACRES **Folio #:** 3040150050880

**Request:**

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT TO SEMI-PROFESSIONAL OFFICE DISTRICT.

**EXISTING ZONING**

**Subject Property** RU-1,

**EXISTING USE**

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

ONE STORY CBS RESIDENCE ON THE SITE.

**USE(S) OF PROPERTY:**

THE PROPERTY IS CURRENTLY UTILIZED AS A SINGLE-FAMILY RESIDENCE (RU-1).

**FENCES/WALLS:**

THERE IS A 5- FT CHAIN-LINK FENCE ALONG THE NORTH PROPERTY LINE; 5 FT. WIRE FENCE ALONG THE EAST AND SOUTH PROPERTY LINES, AND A 4-FT. PICKET FENCE ALONG THE FRONT, WEST PROPERTY LINE.

**LANDSCAPING:**

NO LANSCAPING ON THE PROPERTY.

**BUFFERING:**

THERE IS A 6-FT CHERRY HEDGE ALONG THE WEST HALF OF THE NORTH PROPERTY LINE THAT BELONGS TO THE ADJACENT PROPERTY.

**VIOLATIONS OBSERVED:**

NO VIOLATIONS OBSERVED AT THE TIME OF INSPECTION. BNC MEMO DATED 02/09/2011 REV#3 ON FILE. THERE IS AN OPEN PERMIT NO. 1992098317 FOR BLDG 107 (ROOF) EXPIRED ON 02/17/1993.

**OTHER:**

THE ADJACENT PROPERTY ABUTTING THE EAST HALF OF THE THE NORTH PROPERTY LINE NEEDS TO PROVIDE A LANDSCAPE BUFFER IN ORDER TO MINIMIZE THE VISUAL IMPACT OF THE PARKING AREA.

| **Process #** | **Applicant's Name** |
|---|---|
| Z2005000364 | RENE MIGUEL VALDEZ |

# ZONING INSPECTION REPORT

**SURROUNDING PROPERTY**

**NORTH:**
RU-2; TRAVEL AGENCY & INSURANCE OFFICE.

**SOUTH:**
RU-1; EXISTING GORUP HOME - 6 RESIDENTS.

**EAST:**
RU-1; SINGLE-FAMILY RESIDENCE.

**WEST:**
RU-1; SINGLE-FAMILY RESIDENCE & OFFICE USE.

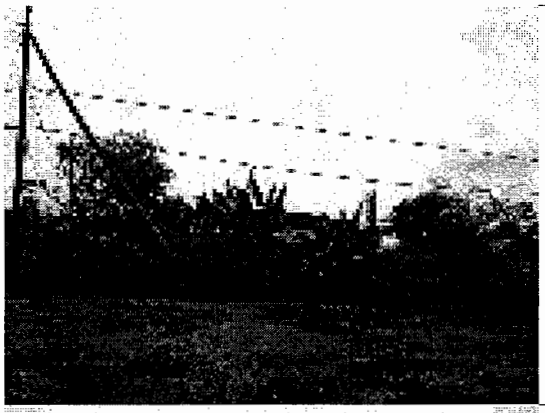
**SURROUNDING AREA**
THE SUBJECT PROPERTY IS SURROUNDED BY OFFICE/RESIDENTIAL CONVERSIONS THAT HAVE BEEN GRANTED ON PARCELS FRONTING CORAL WAY LOCATED TO THE NORTH AND WEST OF SITE AND ONE STORY SINGLE FAMILY RESIDENCES TO THE EAST AND SOUTH.

**NEIGHBORHOOD CHARACTERISTICS**
THIS AREA IS CHARACTERIZED BY A NUMBER OF OFFICE/RESIDENTIAL CONVERSIONS THAT HAVE TAKEN PLACE ON PROPERTIES FRONTING CORAL WAY. HOWEVER, ALL OF THE AREA TO EAST AND SOUTH REMAINS RESIDENTIAL.

**COMMENTS:**
PICTURES OF SITE AND SURROUNDING AREA MAY BE VIEWED FROM THE WEST DADE FILE UNDER ZONING EVALUATION.

HASSUN 02/09/2011: ENFORCEMENT HISTORY UPDATED.

**Inspector** ***MARTINEZ, RAMIRO***
**Evaluator** ***JAMES MURPHY***
**Process Number:** ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***



Date: 28-APR-06

Comments: East View From Backyard of Subject Property.

Date: 28-APR-06

Comments: Front View of Subject Property

Date: 28-APR-06

Comments: North View from Subject property - Travel Agency.



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**Inspector** ***MARTINEZ, RAMIRO***
**Evaluator** ***JAMES MURPHY***
**Process Number:** ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***

Date: 28-APR-06

Comments: Northeast View from Subject Property - Insurance Office.

Date: 28-APR-06

Comments: South from Subject Property - adjacent residence.

Date: 28-APR-06

Comments: Southeast Corner View of Subject Property

**Inspector** ***MARTINEZ, RAMIRO***
**Evaluator** ***JAMES MURPHY***
**Process Number:** ***Z2005000364*** **Applicant Name** ***RENE MIGUEL VALDEZ***

Date: 28-APR-06

Comments: West View From Subject Property.



45

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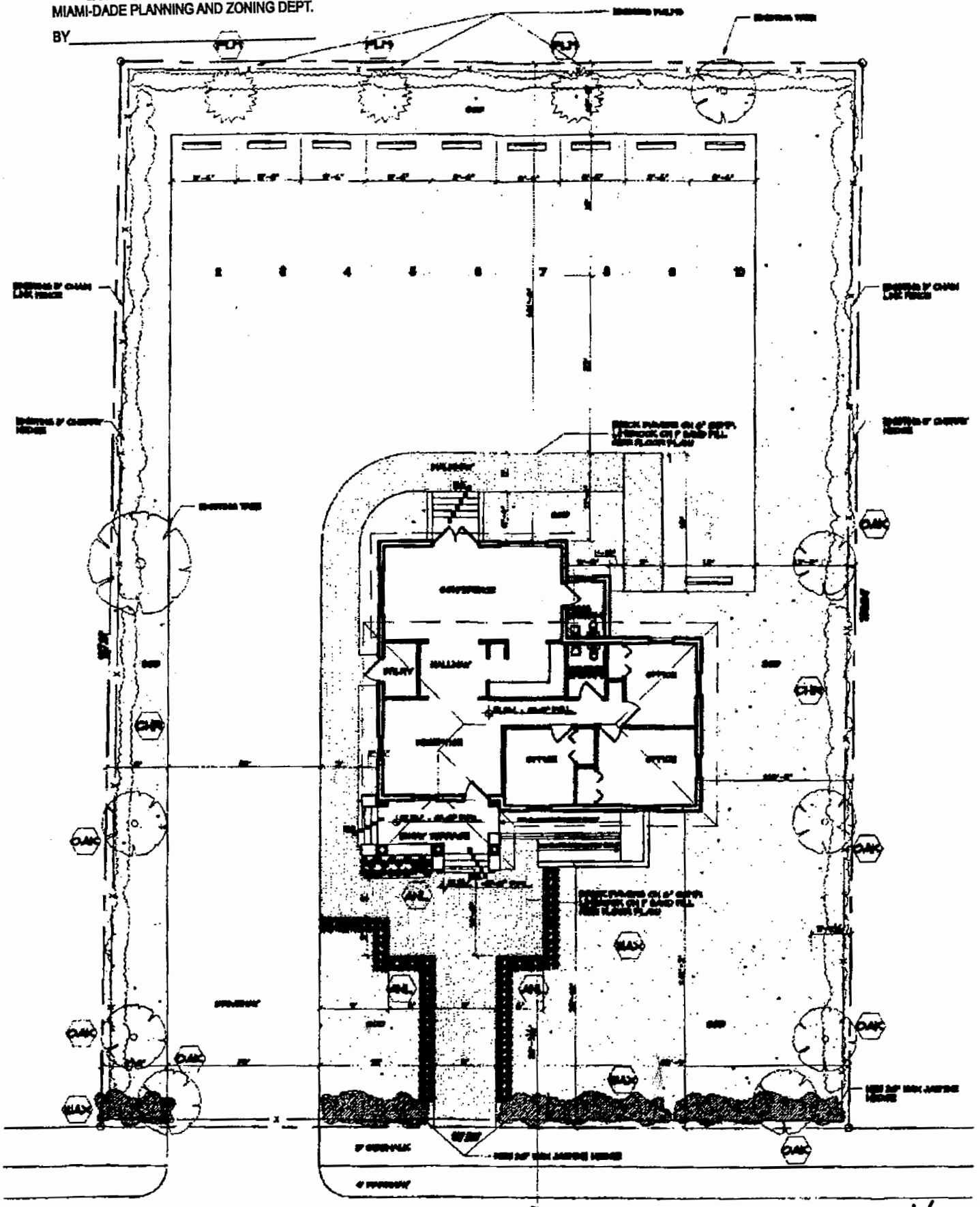
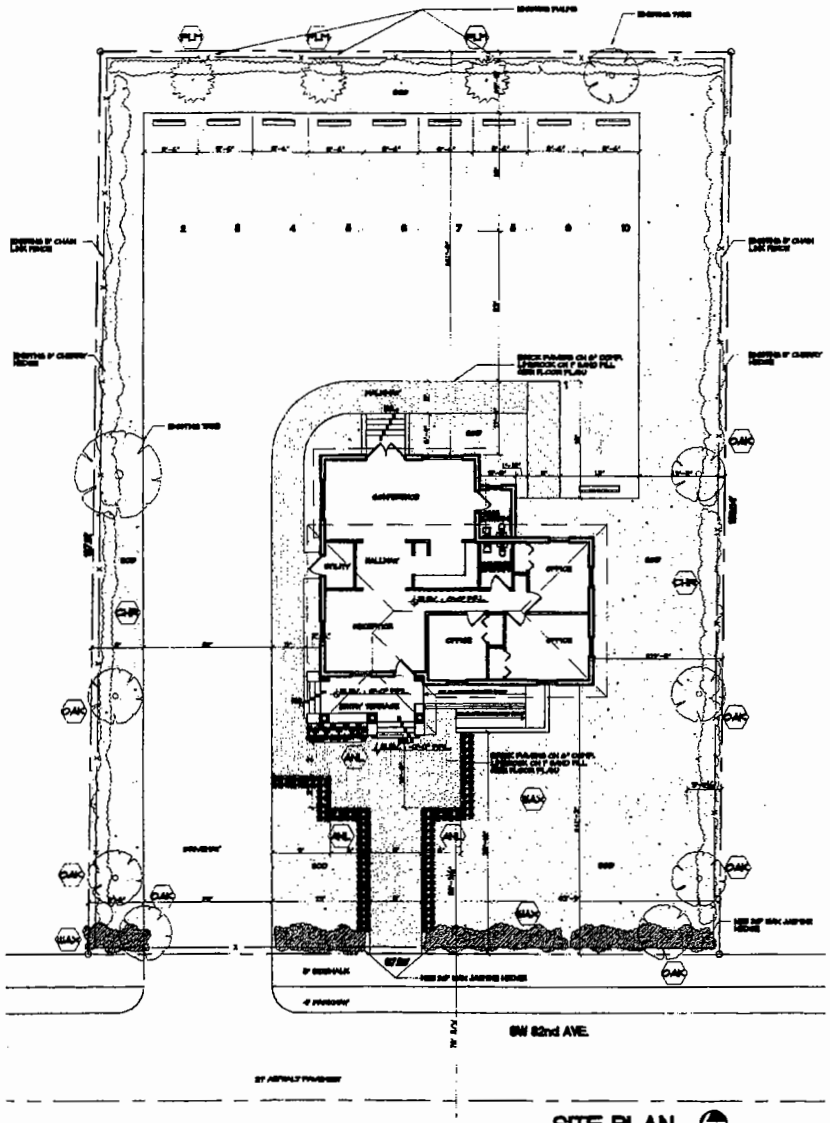
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____



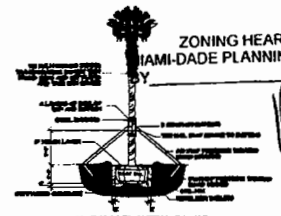

ENLARGED SITE PLAN

RECEIVED
NOV 18 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPARTMENT

47

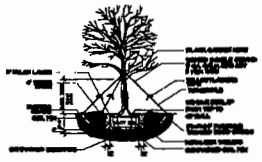



SITE PLAN
SCALE: 1/8" = 1'

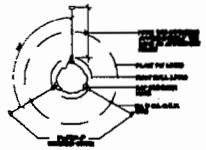


TYPICAL PALM PLANTING DETAIL.

TYPICAL SHRUB PLANT DETAIL.



TYPICAL TREE PLANTING DETAIL.



TYP. VIEW STAKING DETAIL.

## LEGAL DESCRIPTION

LOT 4 BLOCK 8 OF CORAL WAY HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 21 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

## LEGEND

| | | |
|---|---|---|
| EXISTING ZONING | | RU-1 |
| PROPOSED ZONING | | RU-5A |
| LOT AREA | | 15,434 SQ. FT. |
| BUILDING AREA (A/C) | | [illegible] SQ.FT. |
| PAVED AREA (DRIVEWAY) | | [illegible] SQ.FT. |
| WALKWAY/ENTRY TERRACE(PAVERS) | | [illegible] SQ.FT. |
| LANDSCAPED AREA | | [illegible] SQ.FT. (42.5% LOT AREA) |
| | REQUIRED | PROVIDED |
| LOT COVERAGE | 40% | [illegible] |
| HEIGHT | 2 STORIES(34') | 27'-4" |
| SETBACKS | | |
| FRONT | 25' | 4'-6"-3' |
| REAR | 25' | 4'-11'-6" |
| INTERIOR SIDE | 5' | 4'-10'-6"<br>4'-23'-6" |
| PARKING SPACES Sec. 33-1410 OFFICE BLDG. | 1/300SQF. (5) | 10 (inc. 1 HCPD) |

## PLANT MATERIAL

| | | | | |
|---|---|---|---|---|
| | | [illegible] | [illegible] | [illegible] |
| | | [illegible] | [illegible] | [illegible] |
| | | [illegible] | [illegible] | [illegible] |
| | | [illegible] | [illegible] | [illegible] |
| | | [illegible] | [illegible] | [illegible] |

## LANDSCAPE NOTES

[illegible]

LOCATION MAP

PROPOSED RU-5A ZONING FOR:
RENE MIGUEL VALDES
2425 SW 82ND AVE. MIAMI, FLORIDA
PHONES 305 [illegible]

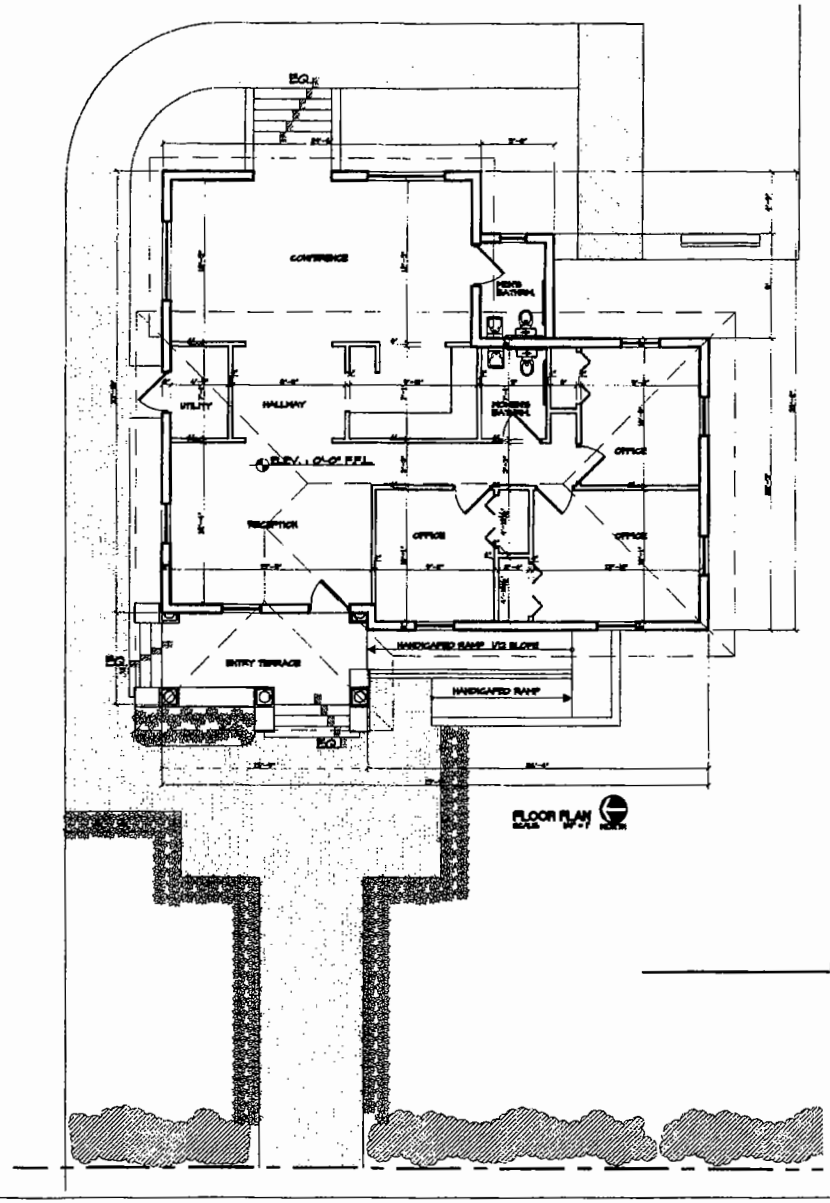
CLIENT

SEAL

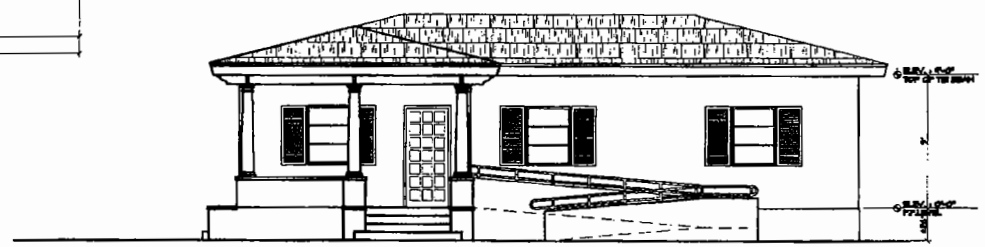
G.E. ARCHITECTS CORP.
ARCHITECTS / PLANNERS / DESIGNERS
[illegible]

DATE 04/22/04
SCALE AS NOTED
DRAWN LPV
DRAWING # A-1
SHEET OF

5/17/04




FLOOR PLAN
SCALE 1/4" = 1'



FRONT ELEVATION
SCALE 1/4" = 1'

RECEIVED
NOV / 8 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

5/17/04

PROPOSED RU-5A ZONING FOR
RENE MIGUEL VALDES
2425 SW 92ND AVE. MIAMI, FLORIDA
PHONES 305 559 4847

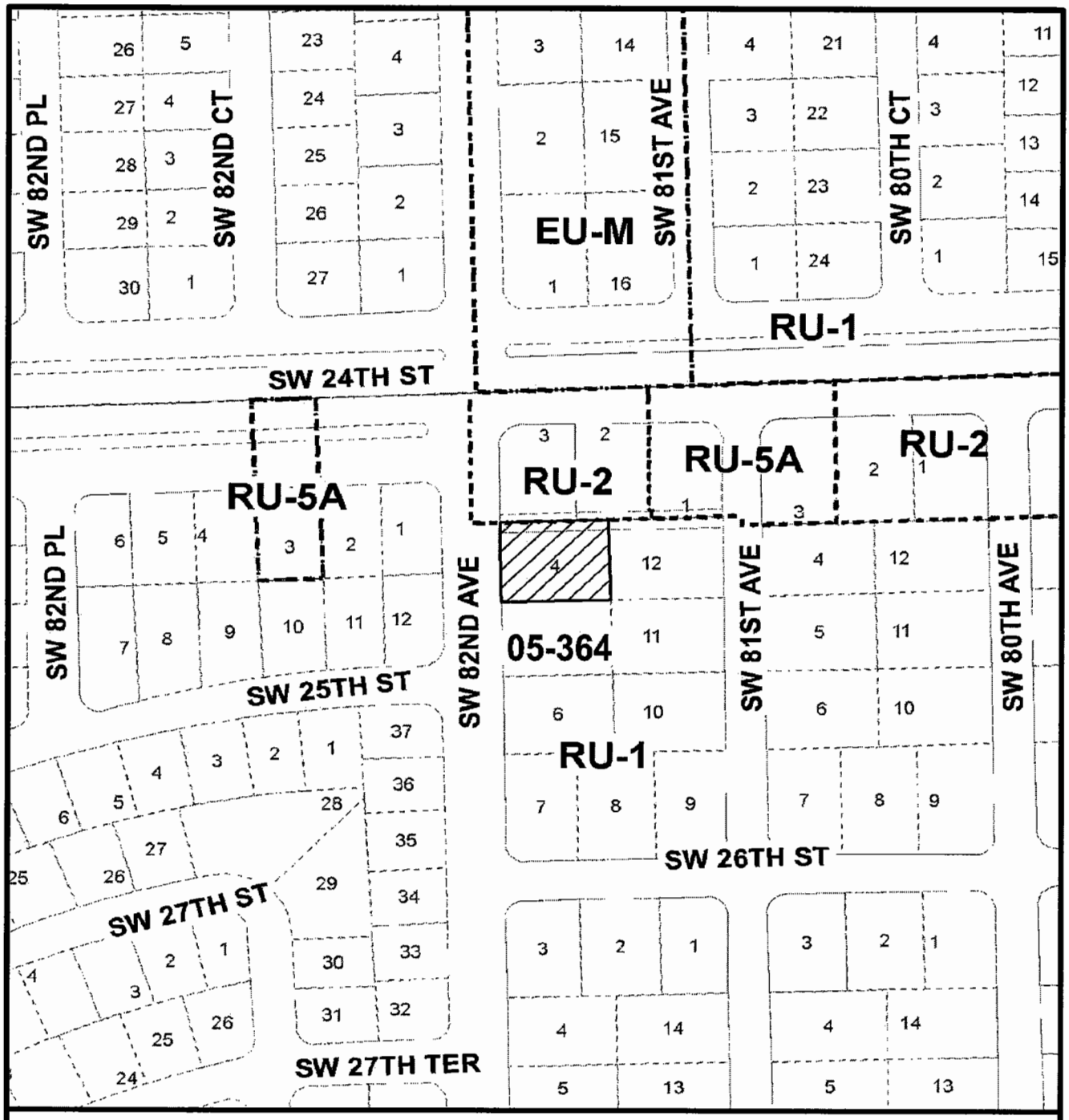
CLIENT

SEAL

GLER ARCHITECTS CORP.
ARCHITECTS / PLANNERS / INTERIORS
PHONE 305 559 4847

DATE 04/22/04
SCALE AS NOTED
DRAWN LPV
DRAWING # A-2
SHEET OF

98




MIAMI-DADE COUNTY
**HEARING MAP**

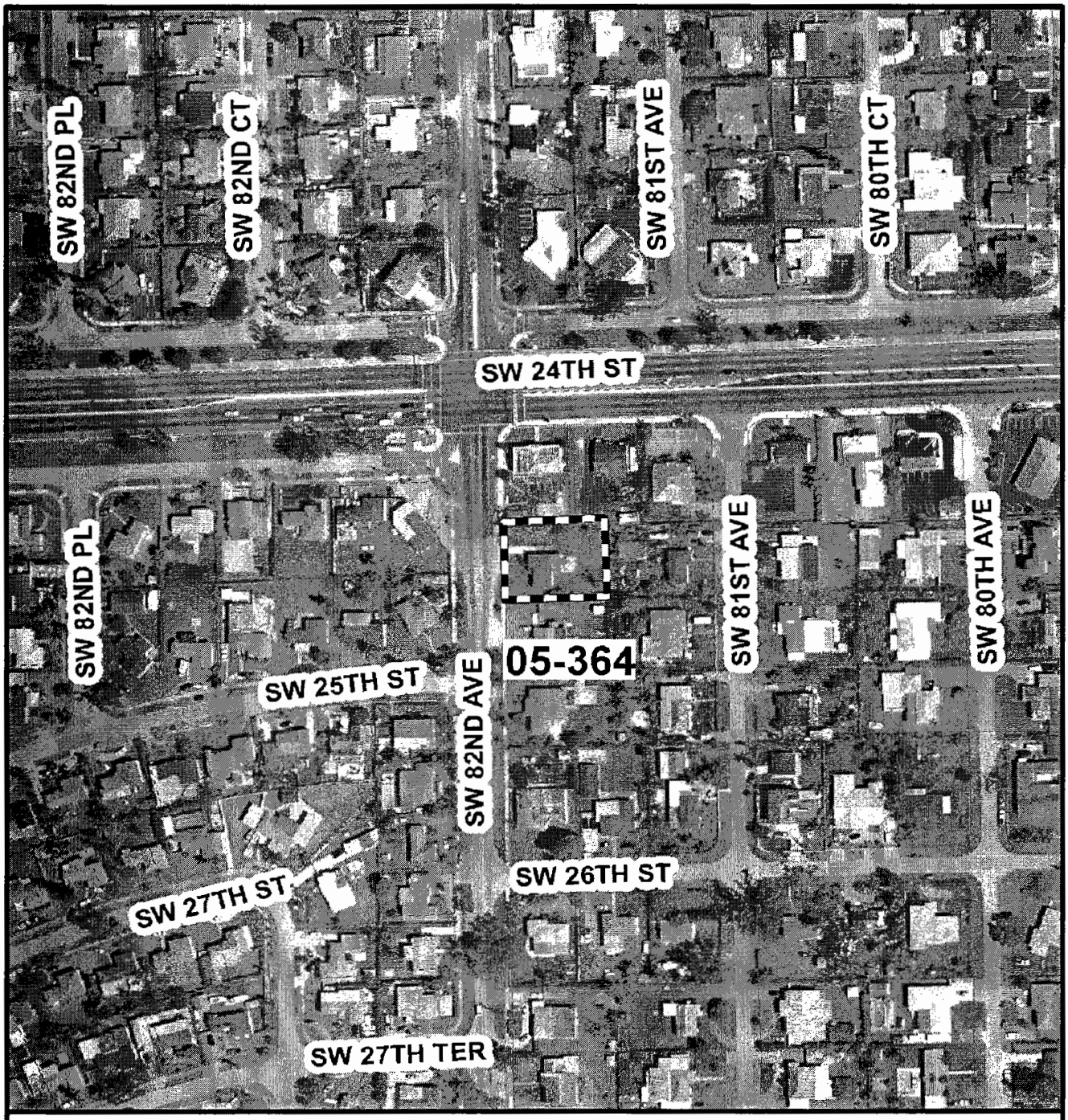
S C A L E
0 NTS
N

SUBJECT PROPERTY

**Section: 15 Township: 54 Range: 40**
**Process Number: 05-364**
**Applicant: RENE MIGUEL VALDEZ**
**Zoning Board: C10**
**District Number: 10**
**Drafter ID: ALFREDO**
**Scale: 1:200'**

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-364. 11/05
REVISED 08/21/06
REV. 02/21/07 S1/2 ALLEY.AFT




MIAMI-DADE COUNTY

**AERIAL**

S C A L E
0 NTS

N

SUBJECT PROPERTY

**Section: 15 Township: 54 Range: 40**
**Process Number: 05-364**
**Applicant: RENE MIGUEL VALDEZ**
**Zoning Board: C10**
**District Number: 10**
**Drafter ID: ALFREDO**
**Scale: NTS**

MIAMI-DADE COUNTY

GEOMATICS 05-364 11/05
REVISED 08/23/06
REV. 02/07/07 JP To update Aerial
REV. 02/21/07 S1/2 ALLEY.AFT

**1. ANGEL & MARIA LLIZO**
**(Applicant)**

**11-3-CC-1 (07-103)**
**BCC/District 12**
**Hearing Date: 03/17/11**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1997 | Angel & Maria E. Llizo | - Unusual Use to permit a concrete batching plant.<br>- Multiple Non-Use Variance. | ZAB | Approved |

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS**

**APPLICANTS:** Angel and Maria Llizo **PH:** Z07-103 (11-3-CC-1)

**SECTION:** 15-54-40 **DATE:** March 17, 2011

**COMMISSION DISTRICT:** 12 **ITEM NO.:** 1

==========

## A. INTRODUCTION

### o SUMMARY OF REQUESTS:

This application will allow the expansion of an existing concrete batching plant facility by including a proposed concrete masonry unit plant. In addition, the applicants are seeking to expand the existing concrete batching plant facility by allowing the transfer of material from additional lake excavations on neighboring properties. Moreover, the applicants are seeking approval to modify a previously approved plan in order to submit a new site plan showing the proposed concrete masonry unit plant ancillary to a bone fide rock mining operation. In addition, in order to include the additional lake excavations on neighboring properties to the original approval, the applicants are seeking to modify two previously approved conditions which limit the operation of the concrete batching plant to the completion of the lake excavations. Additionally, the applicants are seeking to waive the number of trees and hedges required under a previous approval.

### o REQUESTS:

(1) UNUSUAL USE to permit a concrete masonry unit/concrete block plant in conjunction with an existing concrete batching plant with lake excavations on properties located in Sections 22, 23, 25, 26 and 35 of Township 53 South, Range 39 East.

(2) MODIFICATION of Condition #2 & #6 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Amaralto Concrete Layout Plan," as prepared by EAS Engineering, Inc., dated 7-23-96 on Sheet C-1, and dated last revised 9-6-96 on Sheet C-2, for a total of two sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " Amaralto Concrete", with a Site Plan prepared by Ford Engineers, Inc., a Landscape Plan prepared by Witkins Hults Design Group, Floor and Elevation plans prepared by Shremshock Architects, Inc., consisting of 4 sheets and 2 sheets prepared by Francisco A. Benitez, AIA, all dated stamped received 7/27/10 for a total of 8 sheets.

FROM: "6.That at the time that all three excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 are completed, the operation of the concrete batching plant shall be abated.

TO: "6. That at the time that all lake excavations as approved by the following Resolutions: Resolution 4-ZAB-188-92, Section 25/53/39, Resolution 4-ZAB-78-89, Section 26/53/39, and Resolution Z-34-92, Section 35/53/39 and Resolution 4-ZAB-224-84, Section 22 & 23/53/39 are completed, the operation of the concrete batching plant shall be abated.

(3) DELETION of Conditions #4 and #5 of Resolution 5-ZAB-248-97, passed and adopted by the Zoning Appeals Board, reading as follows:

"4. That a minimum of forty (40) trees, 12' to 14' at time of planting 25' off-center be installed along the east property line adjacent to N.W. 127 Avenue.

"5. That a continuous 3' hedge at time of planting (except at drive cuts) be installed along the east (N.W. 127 Avenue) property line.

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan to include an additional concrete batching plant and to delete the conditions which required the applicant to provide certain landscaping imposed by the Board.

The aforementioned plans are on file and may be examined in the Department of Planning Zoning. Plans may be modified at public hearing.

- **LOCATION:** The northeast corner of NW 14 Street and NW 128 Avenue, Miami-Dade County, Florida.

- **SIZE:** 7.5 Acres

## B. ZONING HEARINGS HISTORY:

In 1997, pursuant to Resolution #5-ZAB-248-97, the Zoning Appeals Board among other requests, granted approval of a concrete batching plant in connection with lake excavations on neighboring properties along with non-use variances of setbacks, landscaping, fence height and parking requirements.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

***Open Land Subarea 2 (Northwest Wellfield).*** *This Open Land subarea is bounded on the north by the Miami Canal, on the east by the Turnpike Extension, on the west by the Dade-Broward Levee, and on the south by NW 25 Street between the Turnpike Extension and NW 137 Avenue and by NW 12 Street and its hypothetical extension between NW 137 Avenue and the Dade-Broward Levee.* ***Limestone quarrying and ancillary uses including the continued operation of existing cement plants,*** *necessary and compatible institutional uses, public facilities, utility facilities, and*

*communications facilities, recreational uses, rural residences at a maximum density of 1 dwelling unit per 5 acres and seasonal agriculture may be considered for approval in this area, in keeping with the Northwest Wellfield Protection Plan (Board of County Commissioners Resolution R-1541-85) and Chapters 24 and 33 of the Miami-Dade County Code, and wetland protection requirements. Uses that could compromise groundwater quality shall not occur in this area. In furtherance of Board of County Commissioners Resolution R-1098-88, the creation of a State Protection Area in this subarea is also supported.*

## D. NEIGHBORHOOD CHARACTERISTICS:

| | ZONING | LAND USE PLAN DESIGNATION |
|---|---|---|
| **Subject Property:** | | |
| | GU (ROZA overlay), concrete batching plant | Open Land |
| **Surrounding Properties:** | | |
| **NORTH:** | GU; (ROZA overlay) vacant | Open Land |
| **SOUTH:** | GU; (ROZA overlay) vacant | Open Land |
| **WEST:** | GU; (ROZA overlay) vacant | Open Land |
| **EAST:** | GU; (ROZA overlay) lake | Water |

## E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

***Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.*** *The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and* ***unusual uses*** *which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

***33-311(A)(7) Generalized Modification Standards.*** *The Board shall hear applications to* ***modify*** *or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or*

*other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.*

***Section 33-314(C)(11.1) Direct Applications and Appeals to the County Commission.*** *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rockmining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rockmining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rockmining pursuant to Section 33-422(c) of this article.*

***Section 33-422 (c)*** *Uses ancillary to rockmining requiring approval after public hearing provided; however, that such application for public hearing shall be made directly to the Board of County Commissioners pursuant to Section 33-314(C) of this code:*

*(i) the erection, maintenance and operation of tile and other concrete products processing and fabrication plants;*

*(ii) the erection, maintenance and operation of asphalt plants located within any wellfield protection area as defined by Chapter 24 of this Code or within two miles of any RU or EU zoning district boundary in existence as of the date of filing of an application for certificate of use for such asphalt plant.*

***Section 33-422 (3)*** *For the purposes of this article, "bona fide rockmining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

## F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

| | |
|---|---|
| DERM | **No objection*** |
| Public Works | **No objection** |
| Parks | **No comment** |
| MDT | **No comment** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |
| Aviation | **No comment** |

*Subject to the condition indicated in their memorandum.

## G. PLANNING AND ZONING ANALYSIS:

The subject 7.5-acre parcel of land is located at the northwest corner of NW 127 Avenue and NW 14 Street and is developed with an existing concrete batching plant facility. The subject property is designated as Open Land Subarea 2 (Northwest Wellfield). As previously mentioned, this land category allows limestone quarrying and ancillary uses including the continued operation of existing cement plants, which is **consistent** with the

applicants' request under this application. In addition, staff notes that the proposed concrete batching plant expansion operation which is ancillary to lake excavations and rock mining operations is **compatible** with the surrounding area. Staff notes, that there have been various approvals for lake excavations in the surrounding area, pursuant to Resolutions #Z-34-92, #4-ZAB-51-82 and #4-ZAB-434-80. As such, staff is of the opinion that the proposed expansion of the existing concrete batching plant is **consistent** and **compatible** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

When request #1 is analyzed under Section 33-311(A)(3)(a), staff is of the opinion that approval of the expansion of the existing concrete batching plant facility which will include a new concrete masonry unit plant facility and the addition of the lake excavations in Sections 22 and 23, Township 53 South, Range 39 East, will have a favorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, will not cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways as indicated on the memorandums submitted by the various departments. As such, staff is of the opinion that the proposed expansion of the existing concrete batching plant facility will be **compatible** with the surrounding area and recommends approval subject to a condition of request #1.

Staff notes that the approval of request #2 will allow the applicant to submit a new site plan depicting a proposed masonry unit plant on the subject site. In addition, approval of request #2 will consolidate the lake excavations on the neighboring properties with the concrete batching plant and the proposed concrete masonry unit plant on the subject property. As previously mentioned, the proposed neighboring lake excavations are located in Sections 22 and 23 in addition to the existing Sections 25, 26 and 35. Staff is of the opinion that request #2 is germane to and an integral part of request #1, as such, staff recommends approval subject to a condition of request #2.

When request #3 is analyzed under Section 33-311(A)(7), staff notes that approval of this request will allow the deletion of two (2) conditions that require forty (40) trees and a hedge along the east property line, adjacent to NW 127 Avenue, which staff opines are necessary in order to provide a visual and aural buffer from the existing concrete batching plant operation and proposed concrete masonry unit plant operation to traffic on NW 127 Avenue. In addition, staff opines that said trees and hedge will prevent some of the dust produced by the heavy equipment on the subject property from spreading onto the adjacent roadways and impairing visibility for motorists traveling along NW 127 Avenue. As such, staff recommends denial without prejudice of request #3.

## H. RECOMMENDATION:

Approval with a condition of requests #1 and #2; denial without prejudice of request #3.

## I. CONDITION:

That all the conditions of Resolution #5-ZAB-248-97 remain in full force and effect except as herein modified.

**DATE TYPED:** 02/02/11
**DATE REVISED:** 02/03/11
**DATE FINALIZED:** 02/24/11
MCL:GR:NN:NC:AA

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** February 15, 2011

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

**Subject:** C-05 #Z2007000103-5TH Revision
Angel and Maria Llizo
Southwest Corner of N.W. 15th Street and N.W. 127th Avenue
Modification of a Previously Approved Resolution to Permit a CMU Facility
(GU) (7.33 Acres)
35-53-39

---

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Wellfield Protection, Potable Water Supply, and Wastewater Disposal

The subject property is located within the Northwest Wellfield protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance requires stringent wellfield protection measures that restrict development within the wellfield protection area. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

The closest public water supply and sanitary sewer systems are located approximately 3,862 feet from the subject property. Consequently, the subject property is served by an on-site drinking water supply well and a septic tank.

Section 24-43(4) of the Code prohibits the use of septic tanks as a means for the disposal of domestic liquid waste, for property located within the Northwest Wellfield protection area, unless it is for residential uses or uses ancillary to rockmining operations. The same Code section further provides that the sewage-loading rate for any use served by a septic tank shall not exceed 70 gallons per day per acre. The same Code section further prohibits liquid waste storage, disposal or treatment methods (other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers) within the Northwest Wellfield protection area, or the West Wellfield Interim protection area.

Section 24-43(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any nonresidential land use which generates, uses, handles, disposes of, discharges or stores hazardous materials on.

property located within the basic wellfield protection area of any public utility potable water supply well or within the Northwest Wellfield protection area, or the West Wellfield interim protection area.

Section 24-43(10) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any land use within the Northwest Wellfield protection area without obtaining the prior written approval of the Director of DERM or his designee. The same Code Section further requires that the Director shall issue his written approval only if, among other requirements, the requested land use is not one or more of the following Miami-Dade County zoning classifications: BU-3, IU-1, IU-2, IU-3 or IU-C, and is a land use contained in Table E-1 therein.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage or if the property is within feasible distance for connection to the public sanitary sewer system.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by septic tank and public water may only be approved, if among other requirements the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

This request is to allow the establishment and operation of a concrete product manufacturing facility, more specifically concrete masonry units, in connection with an existing concrete batching plant operation on the subject property.

Inasmuch as the above-noted request did not comply with any of the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Miami-Dade Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition under Board Order number 10-22 with specific conditions. At this time, the applicant is in compliance of said Board Order. Therefore, DERM has no objection for approval of this application.

Stormwater Management

The proposed project has received Cut and Fill approval # 325. Full compliance with all conditions set forth in said approval is required to platting or seeking building permits.

Be advised that a Surface Water Management Individual Permit from the South Florida Water Management District might be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

Site grading and development shall comply with the requirements of Section 11C of the Code.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
DERM has reviewed the information regarding the above referenced site and it indicates that there are no records of current contamination assessment/remediation issues on the site. However, there are contamination assessment/remediation issues associated to solid waste material within the abutting site to the east (Tarmac Florida, Inc./ Coral Aggregate s Quarry, SW #1438, File # 7970, 12400 NW 12 ST, Folio # 30-3936-000-0080).

Wetlands
The subject property is located within the Transitional Northeast Everglades Wetlands Basin, and is a jurisdictional wetland area as defined by Section 24-5 of the Code. However, this application is part of Class IV Wetland Permit FW 97-024 issued to Angel and Maria Llizo that authorizes the filling of 2.9 acres and the construction of a 2.0 acre stormwater treatment area in wetlands for commercial purposes. The permit expired on January 24, 2004.

There was an EQCB hearing held on July 9, 2009 for the request to allow the establishment and operation of a concrete product manufacturing facility, more specifically concrete masonry units at this site. At that hearing the requested variances were granted subject to conditions as follows: all work shall be done inside a roofed building and on a concrete slab surrounded by a concrete berm, only one concrete batch plant can exist on the property and rock and other aggregate materials needed for the operation may only be obtained from the sources allowed by the zoning resolution 5ZAB-248-97.

The revised site and landscape plans submitted with this application depict what appears to be an adequate setback between the proposed structure and the stormwater retention area. Also depicted on the plans is an expansion of the stormwater retention area from 2.00 acres to 2.94 acres. The DERM Wetland Resources Section has no objections to this zoning application with the condition that no excavation should take place on site in order to create the stormwater retention area.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A. Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution

approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Pollution Control
The subject property has no records of current contamination assessment or remediation issues on the site. However, there are contamination assessment or remediation issues abutting the subject property associated to solid waste material (Tarmac Florida, Inc/ Coral Aggregate's Quarry, 12400 NW 12th ST).

In addition, Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted in the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Enforcement History
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system and has found one closed enforcement case for the subject property identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing Preliminary Notice.

DERM has found one closed enforcement case for the subject property:

Amaralto Concrete and Pump:
DERM has file # AP-1933. There is record of a closed enforcement case for air emissions from the load out area. A Field Notice was issued on November 28, 2006 and the case was subsequently closed with a follow-up inspection by the Air Facilities Section on December 28, 2006.

LLIZO, ANGEL & MARIA/AMARALTO CONCRETE:
DERM has file #FW87-129. A Uniform Civil Violation Notice (#866018) was issued on January 28, 2008 for violations of the orders of director, specifically failure to remove fill as per Notice of Violation dated July 24, 2007. On February 22, 2008 an Affidavit of Compliance was filed and the case subsequently closed.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez, Interim Manager at (305) 372-6764.

REVISION 3

PH# Z2007000103
CZAB - BCC

## PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ANGEL & MARIA LLIZO

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 4 PM daily peak hour vehicle trips. The traffic distributions of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|---|---|---|---|
| 9365 | NW 12 St w/o NW 117 Ave. | B | B |
| 9408 | NW 25 St. w/o NW 107 Ave. | C | C |
| 9798 | SW 137 Ave. n/o SW 8 St. | D | D |

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Raul A Pino, P.L.S.
14-FEB-11

# Memorandum

**Date:** 03-JUN-10

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

**Subject:** Z2007000103

## Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped May 7, 2010. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

## Service Impact/Demand

Development for the above Z2007000103
located at THE NORTHEAST CORNER OF NW 14 ST & NW 128 AVE.
in Police Grid 1200 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A (residential) | dwelling units | 19,357 (industrial) | square feet |
| 2,474 (Office) | square feet | N/A (institutional) | square feet |
| N/A (Retail) | square feet | N/A (nursing home/hospitals) | square feet |

Based on this development information, estimated service impact is: 1.35 alarms-annually.
The estimated average travel time is: 8:18 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments

Current service impact calculated based on plans date stamped May 7, 2010. Substantial changes to the plans will require additional service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

**DATE:** 08-FEB-11

# BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

ANGEL & MARIA LLIZO

**APPLICANT**

THE NORTHEAST CORNER OF
NW 14 ST & NW 128 AVE.

**ADDRESS**

Z2007000103

**HEARING NUMBER**

## HISTORY:

NC: NO ZONING VIOLATIONS FOUND/
LIENS: NO LIENS FOUND/
BLDG: NO BUILDING VIOLATIONS FOUND

ANGEL & MARIA LLIZO

## OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

## REPORTER NAME:

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 4, 2011

**To:** Franklin Gutierrez, Zoning Services Coordinator
Agenda Coordinator's Office

**From:** Pete Hassun, Zoning Serivices Inspector
Department of Planning and Zoning, Zoning Inspections

**Subject:** 07-103 Folio: 30-3935-006-0010 Angel & Maria Llizo a/k/a 12700 NW 15 ST

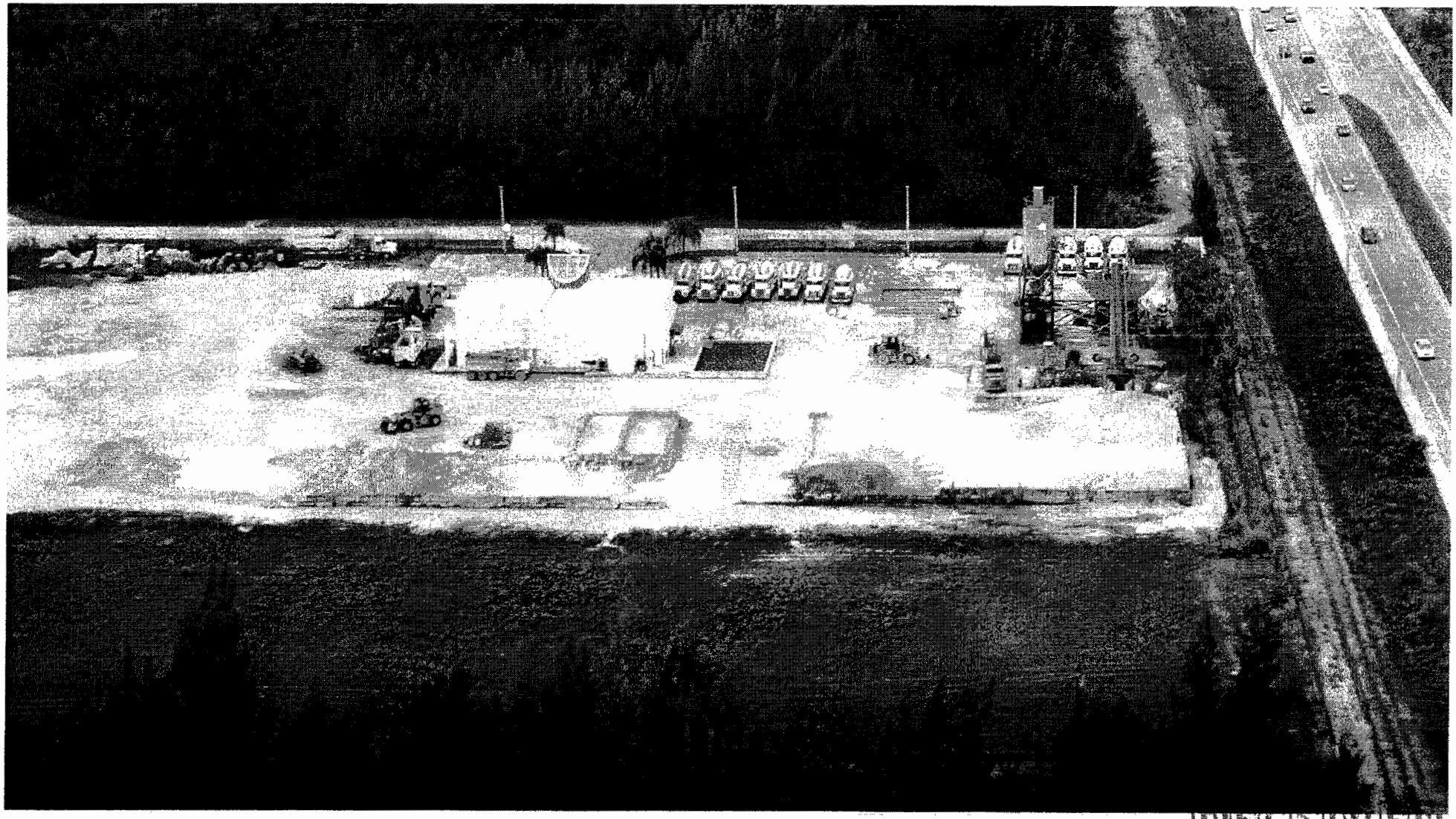
---

Enforcement History:

This property is in violation of Section 33-8. Renewable CU# 2008063514 issued on 07/29/2008 which expired on 09/30/2009.

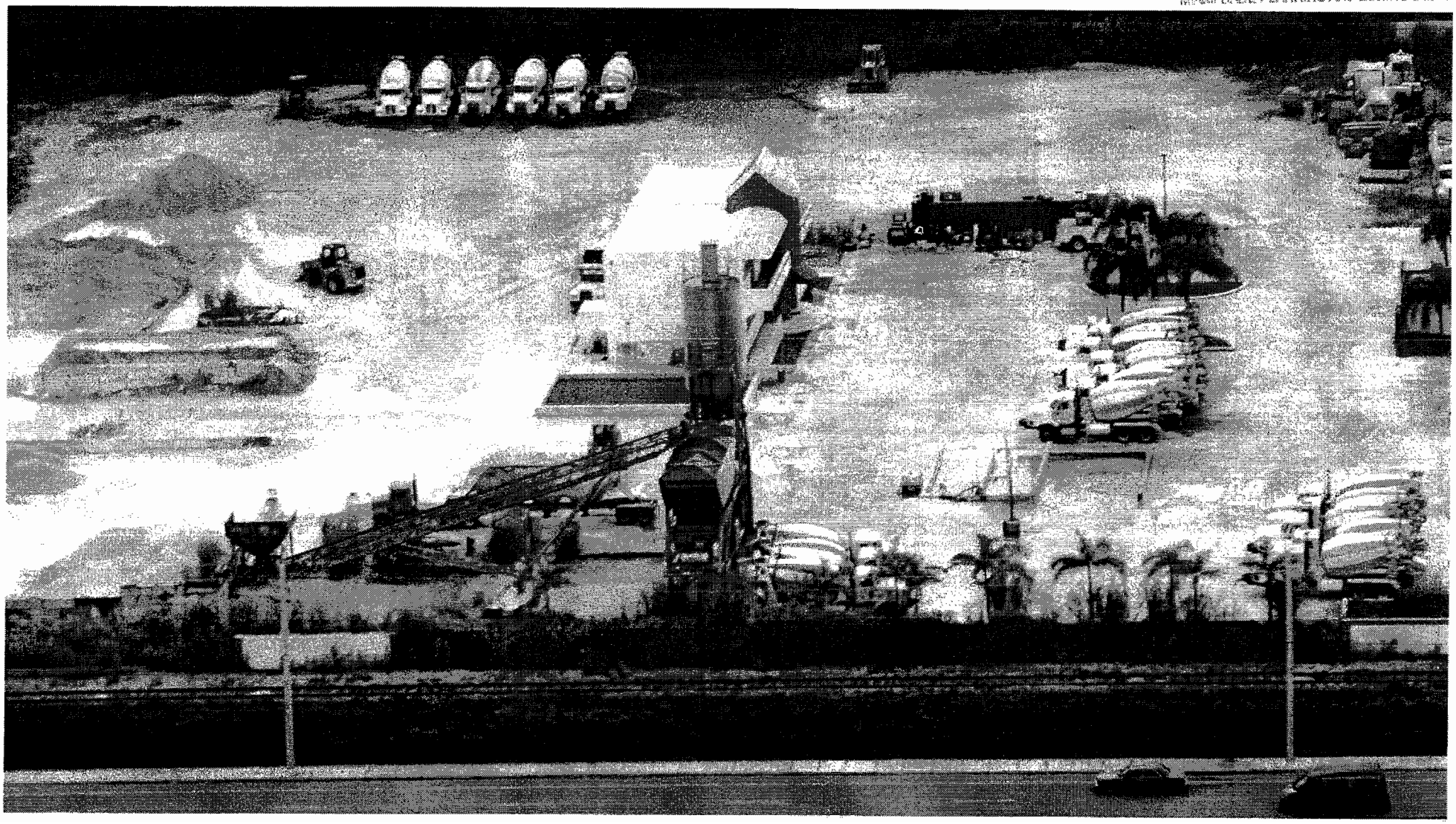
Enforcement holds (ENFZ placed by J. Byers on 08/05/2010.

Building and Neighborhood Compliance Department memo dated 02/08/2011 on file.



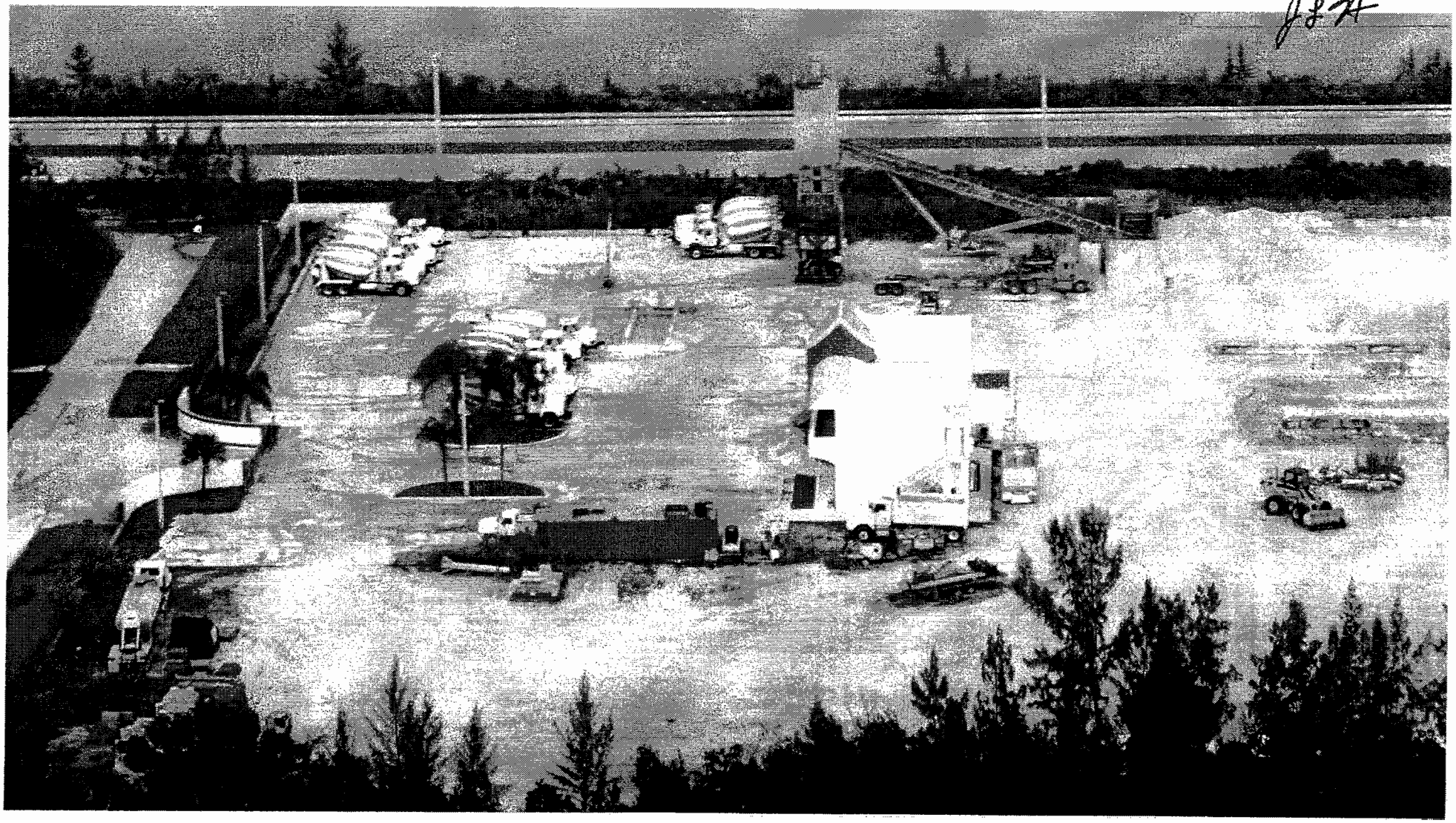
RECEIVED
Z07-103
JUL 28 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY 4-14

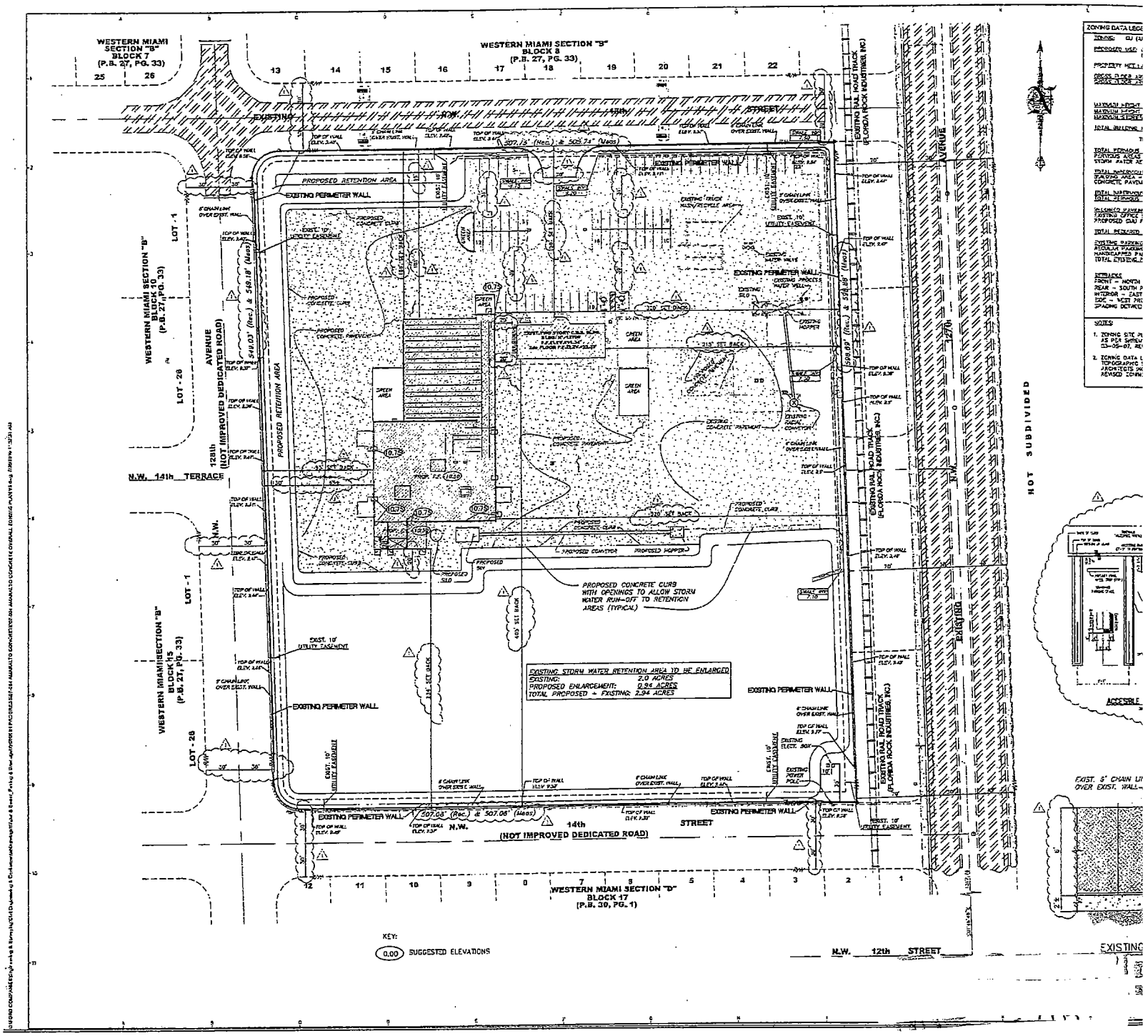
RECEIVED
Z07-103
JUL 28 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



RECEIVED
Z07-103
JUL 28 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED
Z07-103
JUL 28 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY J&A



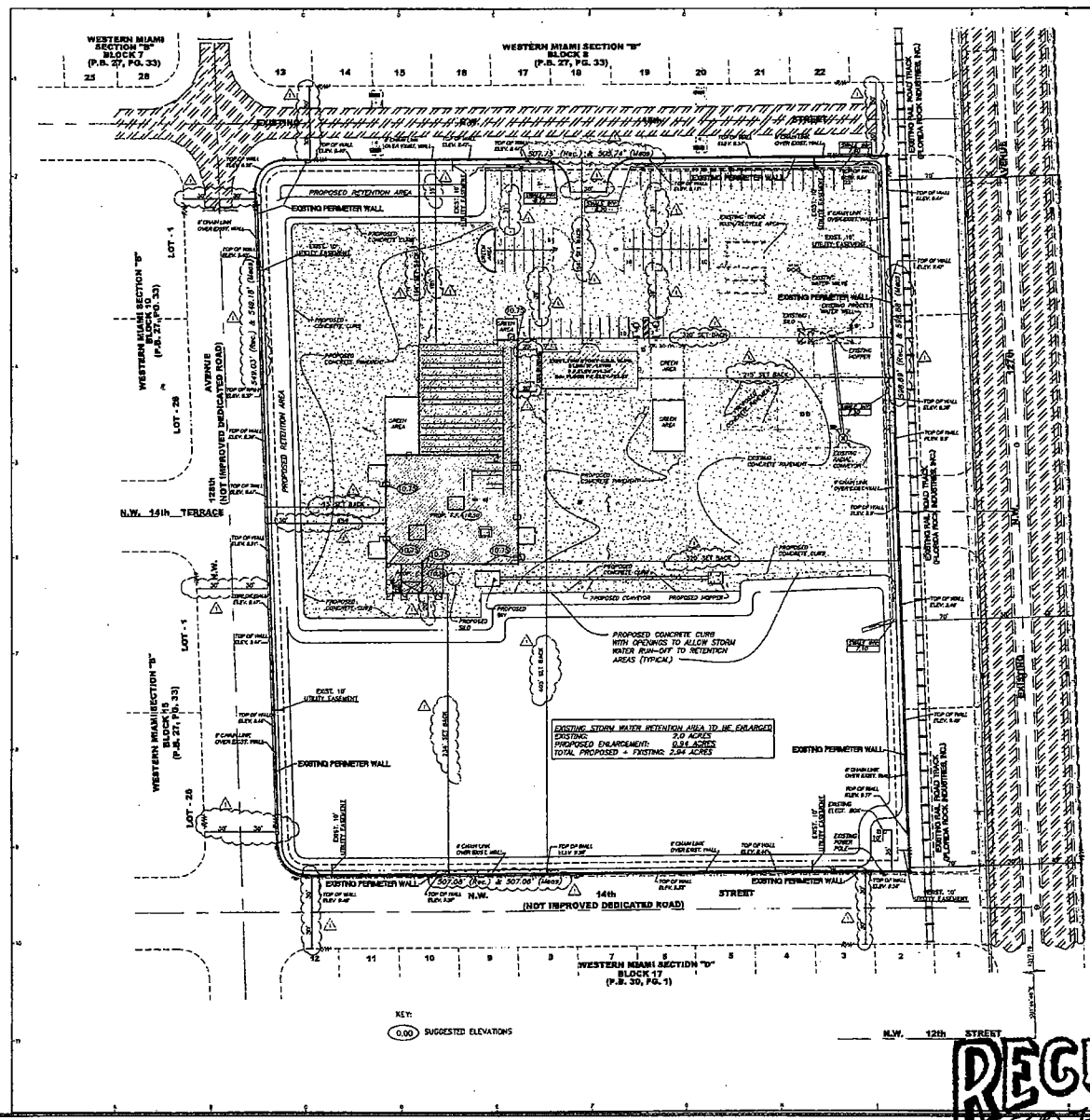



RECEIVED
207-105
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

ENLARGED SITE PLAN

20

21




ZONING DATA LEGEND

ZONING: GU (U-1 USE)

PROPOSED USE: CONCRETE MANUFACTURING UNIT (CMU) MANUFACTURING IN CONJUCTION WITH AN EXISTING CONCRETE BATCHING PLANT

PROPERTY NET LAND AREA: 317,922.48 SQ. FT. OR 7.30 ACRES MORE OR LESS

GROSS FLOOR AREA OF PROPOSED CMU BLDG.: 18,157 SQ. FT.
GROSS FLOOR AREA OF EXISTING OFFICE BLDG.: FIRST FLOOR 3,474 SQ. FT.; SECOND FLOOR 3,474 SQ. FT.; TOTAL 6,948 SQ. FT.

MAXIMUM HEIGHT OF PROPOSED CMU BLDG.: 35'-0"
MAXIMUM HEIGHT OF EXISTING OFFICE BLDG.: 24'-0"
MAXIMUM STORIES: 2

TOTAL BUILDING AREA: 19,357 SQ. FT. CMU BLDG.; 3,474 SQ. FT. OFFICE BLDG.; TOTAL: 22,831 SQ. FT. MORE OR LESS

TOTAL PERVIOUS AREA: 3.66 ACRES MORE OR LESS (+/-159,430 SQ. FT.)
PERVIOUS AREA = 0.72 ACRES MORE OR LESS
STORM WATER RETENTION AREA=2.94 ACRES EXISTING + 0.94 ACRES PROPOSED=3.94 ACRES

TOTAL IMPERVIOUS AREA: 3.64 ACRES MORE OR LESS (+/-158,538 SQ. FT.)
IMPERVIOUS AREA = 0.09 ACRES
CONCRETE PAVEMENT = 1.83 ACRES EXISTING + 1.31 ACRES PROPOSED = 3.14 ACRES

TOTAL WAREHOUSE AREA: 19,882
TOTAL OFFICE AREA: 3,474

MINIMUM PARKING SPACES:
EXISTING OFFICE BLDG. REQUIRED 1 300 SQ. FT.: 17 PARKING SPACES
PROPOSED CMU FACILITY REQUIRED 1:1,000 FOR 1st 10,000 SQ.FT. & 1:3000 THEREAFTER: 15 PARKING SPACES

TOTAL REQUIRED PARKING SPACES: 32

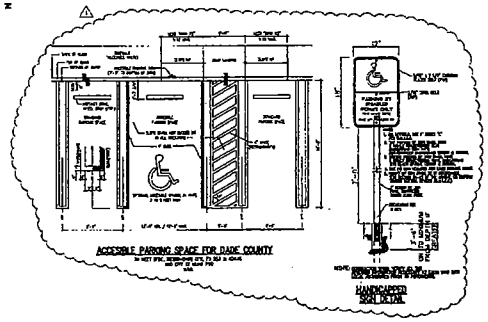
EXISTING PARKING SPACES:
REGULAR PARKING SPACES: 37
HANDICAPPED SPACES: 2
TOTAL EXISTING PARKING SPACES: 39

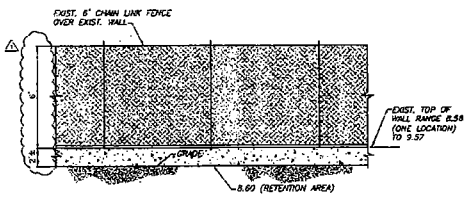
SETBACKS:
FRONT – NORTH PROPERTY LINE: 30' REQUIRED & 150'+/- PROVIDED
REAR – SOUTH PROPERTY LINE: 5' REQUIRED & 234'+/- PROVIDED
INTERIOR – EAST PROPERTY LINE: 15' REQUIRED & 312'-320'+/- PROVIDED
SIDE – WEST PROPERTY LINE: 15' REQUIRED & 400'+/- PROVIDED
SPACING BETWEEN BUILDINGS: 20' REQUIRED & 20' PROVIDED

NOTES

1. ZONING SITE PLAN EXHIBIT PROPOSED CONCRETE MANUFACTURING (CMU) FACILITY/BUILDING LAYOUT AND SET-BACKS AS PER SHREWSHOCK ARCHITECTS, INC. ARCHITECTURAL SITE PLAN, DRAWING NUMBER A3.1, SAI (EXIST. DATED 03-05-07, REVISION #2 DATED 03-26-08.

2. ZONING DATA LEGEND BASED ON INFORMATION PROVIDED BY: FORD ARMSTRONG & MARKET, INC. (FAM) LATEST TOPOGRAPHIC SURVEY, PROJECT No. 08-0280A37, REV. #3, DATED 01-12-10, SHEET 1 OF 1; ORIGINAL SHREWSHOCK ARCHITECTS INC. ZONING DATA LEGEND – SITE PLAN, DRAWING # A3.1, SAI (EXIST.) REV. #2, DATED 04-MAR-08, AND REVISED ZONING INFORMATION PROVIDED BY MR. JEFFREY M. FLANIGAN, ESQ., FLANIGAN & ROLLAND, P.A.




EXISTING PERIMETER WALL SECTION
N.T.S.

NOTE:
RAISE TOP OF WALL TO MIN. ELEVATION +9.2 AS REQUIRED.

FORD ENGINEERS, INC.
1550 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 470-6472
FAX (305) 470-7965

RECORD OF REVISION

| No. | DATE | DESCRIPTION | BY | APP. |
|---|---|---|---|---|
| 1 | 7/22/10 | REVISION PER ZONING HEARING SECTION REQUEST | M.P. | J.G. |

# AMARALTO CONCRETE

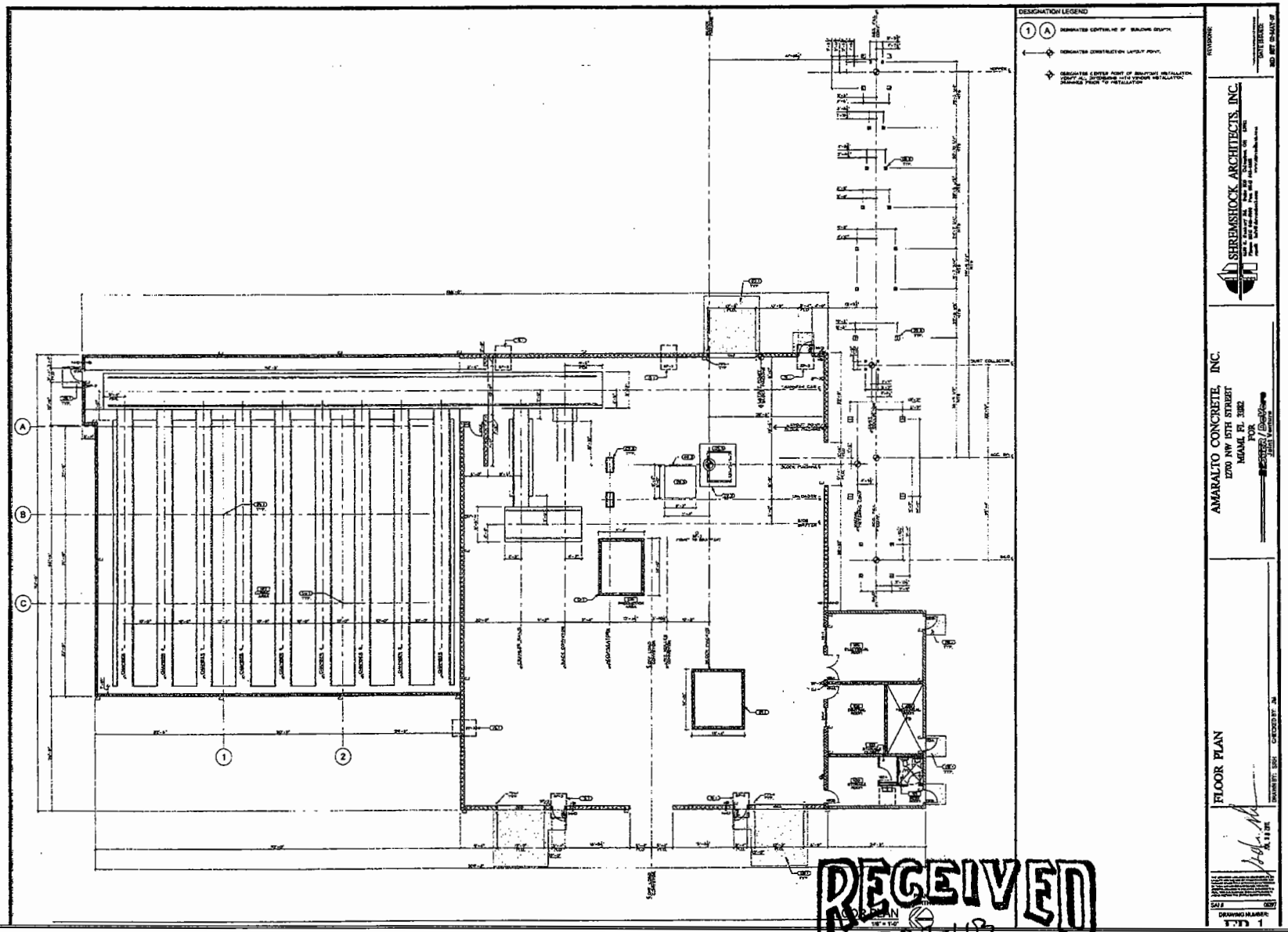
DATE OF PROJECT: 4/30/10
SUBJ: PROPOSED CMU FACILITY ZONING EXHIBIT
CLIENT: AMARALTO CONCRETE PUMP, INC.
CLIENT ADDRESS: 10700 NW 128th AVENUE, MIAMI, FLORIDA

M. ECHEZARRETA, P.E.
FORD ENGINEERS, INC.
1550 N.W. 94th AVE., 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 470-6472
FAX (305) 470-7965
CERT. OF AUTHORIZATION No. 5813

SCALE: 1" = 40'
DESIGNED BY: J. GONZALEZ
DRAWN BY: M. PERAL
CHECKED BY: M. ECHEZARRETA
DATE: 4/30/10
PROJECT No.: 07-004
SHEET: Z-1

RECEIVED
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

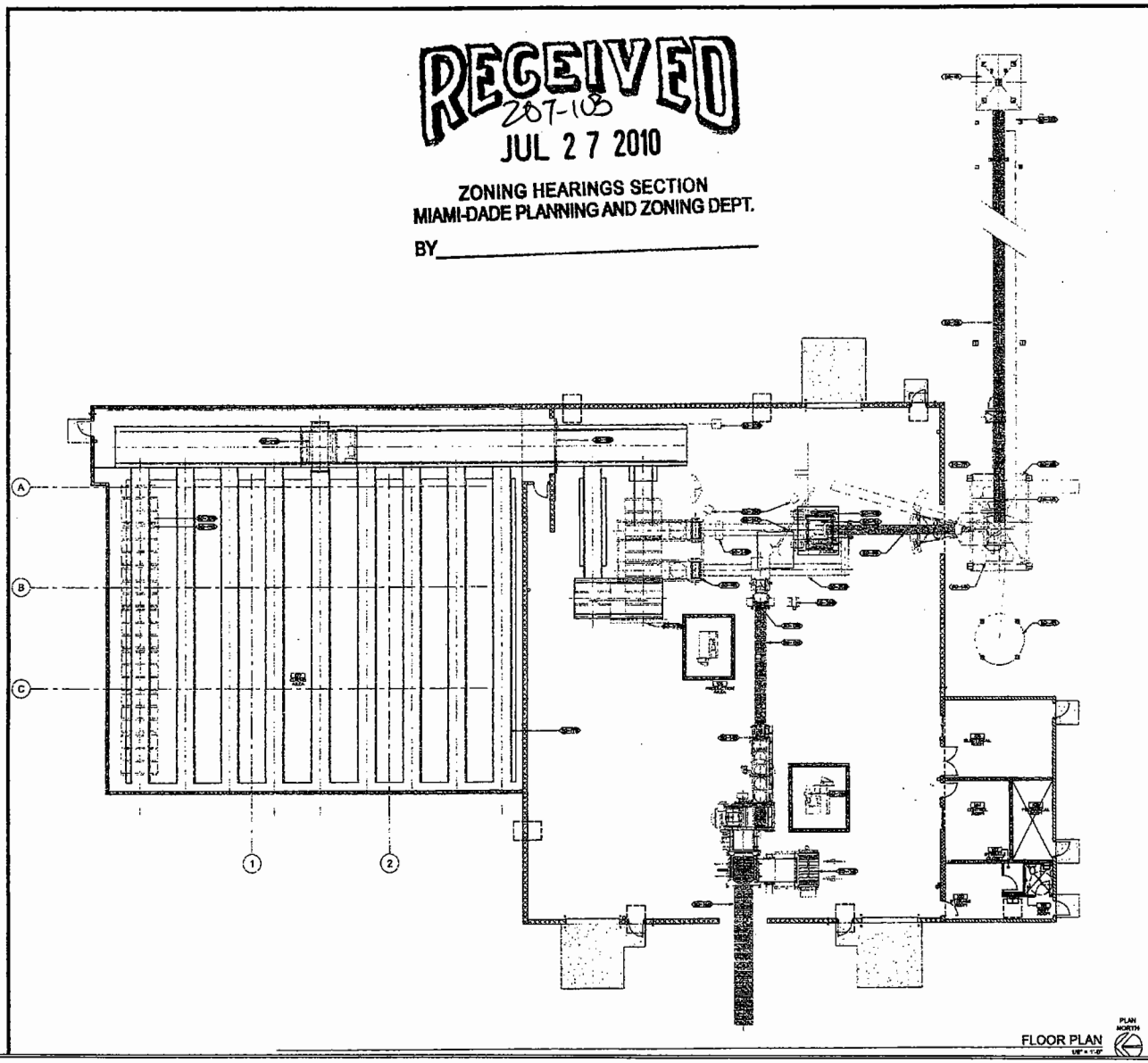
22




RECEIVED
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

23

RECEIVED
207-108
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____




FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES: EQUIPMENT PLAN

1. EQUIPMENT PLAN HAS BEEN PREPARED BY THE SHAWN COMPANY. THIS PLAN IS BASED UPON EQUIPMENT PLAN DATED 01-06-10.
2. EQ-05 = EQUIPMENT PROVIDED BY SHAWN-CRAIG
EQ-07 = EQUIPMENT PROVIDED BY TURVAC.
EQ-08 = EQUIPMENT PROVIDED BY KNUTY DESIGN.
EQ-09 = EQUIPMENT PROVIDED BY.
EQ-0 = EQUIPMENT NOT IN CONTRACT.
3. PROVIDE MAIN OFF RATE (MO) AT ALL TURNING INTERIOR TO THE FACILITY.

EQUIPMENT SYMBOL DESIGNATION

INDICATES ABBREVIATION FOR EQUIPMENT — INDICATES UNIT NUMBER AS EQUIPMENT SCHEDULE BELOW
INDICATES FIRST LETTER OF VENDOR NAME & SHORTHAND SCHEDULE BELOW. SEE EQUIPMENT GENERAL NOTE #2

EQUIPMENT SCHEDULE (EQ-02)

| MARK | DESCRIPTION |
|---|---|
| EQ-02 | SACKED FILL HOPPER |
| EQ-03 | AGGREGATE FILL CONVEYOR |
| EQ-04 | 400 TON, 4 COMPARTMENT AGGREGATE STORAGE BIN WITH AGGREGATE BATCHER |
| EQ-05 | CEMENT SILO |
| EQ-06 | CEMENT BATCHER |
| EQ-07 | 30 CU. FT. BATCH MIXER NO. 1 POSITION DRIVE INSTALL AT ELEV. 19'-0" |
| EQ-08 | WATER DUST COLLECTOR SYSTEM |
| EQ-09 | 24" RADIAL PRESSING SYSTEM |
| EQ-10 | VIB-O VIBRATING SURGE HOPPER |
| EQ-11 | VS-10 VIBRATING BLOCK TRANSFER (S.B.) PALLET SIZE 24"X48" INSTALL AT ELEV. 19'-0" |
| EQ-12 | MODEL TRAP 70B(T) SPARE BRAKER-PATTC (L.H.) FOR 2 BAY 3 BOTTOM T & HOLE (MODEL 4B, BLOCK RACK) RACK SHELF SPACING 19" PALLET SIZE 24"X 48"X 2" LAC. = 10 LBH BANDSETTE CAR CAPACITY |
| EQ-13 | BLOCK TURN OVER DEVICE |
| EQ-14 | LIVE ROLLER CONVEYOR |
| EQ-15 | AUTOMATIC OUTER QUAD TURNTABLE NO. 1 POSITION |
| EQ-16 | HOOD 1 BLOCK PALLET FEEDER |
| EQ-17 | CURE BYPASS CONVEYOR |
| EQ-18 | RAIL FAGGIES |
| EQ-19 | SLIDING RAN DOOR |
| EQ-20 | 5'H TUBAL 4B BLOCK RACKS FORWARD |
| EQ-21 | 7 NA = 5' X 10'H 2" STEAL PALLETS SHAPED |
| EQ-22 | BAY FILL CONTROL STATION |
| EQ-23 | FIBERGLASS CABLE SYSTEM |
| EQ-24 | COLOR GRAPHIC DISPLAY PANELS |
| EQ-25 | BLOCK FINISHING BRUSH |
| EQ-26 | PALLET SCRAPER |
| EQ-27 | JIB CRANE |
| EQ-28 | CAT TRACK |
| EQ-29 | HYDRAULIC POWER UNIT |
| EQ-30 | TRANSFER CAR |

REVISIONS

DATE ISSUED:
BID SET 02-04-10

SHREMSHOCK ARCHITECTS, INC.
[illegible]

AMARALTO CONCRETE, INC.
12700 NW 15TH STREET
MIAMI, FL 33182
FOR:
[illegible]

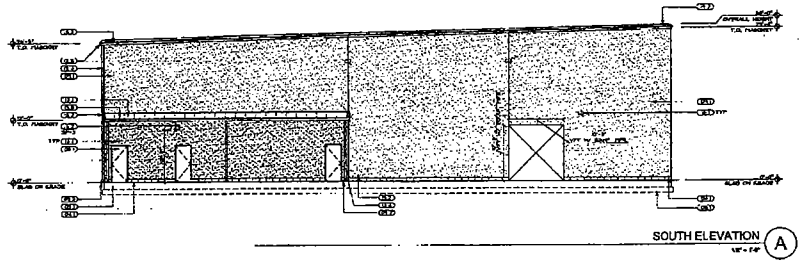
FLOOR PLAN

DRAWN BY: GRV CHECKED BY: JM

DATE
02-04-10

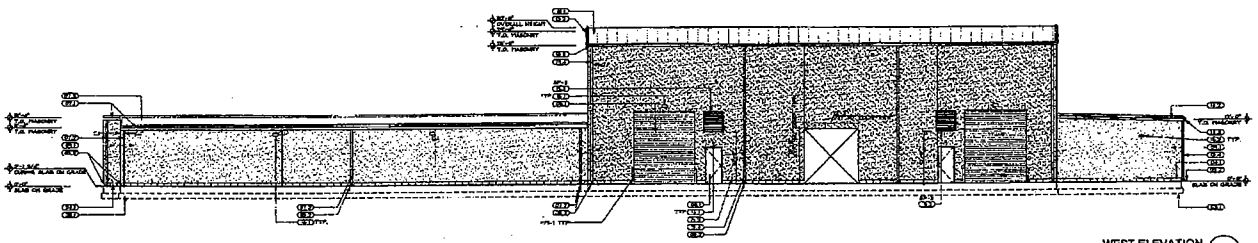
DRAWING NUMBER:
FP-2

24



SOUTH ELEVATION (A)
1/8" = 1'-0"

RECEIVED
207-16B
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____



WEST ELEVATION (B)
1/8" = 1'-0"

## GENERAL NOTES: EXTERIOR ELEVATIONS

1. ALL EXTERIOR ROOF PANELS ARE METAL BUILDING MANUFACTURER'S STANDARD PREFINISHED METAL PANELS, U.L.C. (COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS).
2. ALL DOWNSPOUTS THAT DRAIN AT GRADE SHALL BE PROVIDED WITH A CONCRETE SPLASHBLOCK. SPLASHBLOCKS SHALL SLOPE AWAY FROM BUILDING.
3. EXTERIOR LIGHT FIXTURES LOCATED AT ZONED DOOR SHALL BE MOUNTED AT 10'-0" A.F.F. INTERIOR LIGHT FIXTURES LOCATED ON ELEV. FACADES SHALL BE MOUNTED AT 8'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED AT DOORS SHALL BE MOUNTED AT 8'-0" A.F.F.

## CODED NOTES: EXTERIOR ELEVATIONS

NOTE: NOT ALL NOTES LISTED BELOW ARE NECESSARILY USED ON THIS SHEET. THE OMISSION OF ELV NOTES STILL DOES NOT CONTROL THE PROVISION OF NOTES ATTACHED FOR THE ENTIRETY OF WORK TO BE COMPLETED BY THE TRADE.

DIVISION 01 - GENERAL (REFER TO CIVIL DRAWINGS)

DIVISION 03 - CONCRETE

[illegible] - FOOTING/FOUNDATION BELOW GRADE. (REFER TO STRUCTURAL SHEETS FOR CONFIGURATION AND DETAIL)

[illegible] - CONDUITS SPLASHBLOCK, LOCATE UNDER DOWN SPOUT. SLOPE AWAY FROM BUILDING

DIVISION 04 - MASONRY (REFER TO REMARKS SHEET)

[illegible] - CMU WALL PAINTED TO MATCH STUCCO FINISH.

DIVISION 05 - METALS (REFER TO REMARKS SHEET)

DIVISION 07 - THERMAL AND MOISTURE PROTECTION

[illegible] - 6" PREFINISHED GALVANIZED METAL GUTTER.

[illegible] - 6" PREFINISHED METAL DOWNSPOUT WITH TIE BACKS.

[illegible] - 60 MIL. SINGLE PLY ROOF MEMBRANE. REFER TO STRUCTURAL.

[illegible] - PREFINISHED GALVANIZED METAL SANDWICH STOP FASCIA.

DIVISION 08 - DOORS AND WINDOWS

[illegible] - EXTERIOR DOOR - PAINT (REFER TO DOOR SCHEDULE)

DIVISION 09 - FINISHES (REFER TO REMARKS SHEET)

[illegible] - STUCCO FINISH OVER METAL LATH.

DIVISION 11 EQUIPMENT (REFER TO REMARKS SHEET)

DIVISION 12 - FURNISHINGS (N.I.C.)

DIVISION 13 - SPECIAL CONSTRUCTION

[illegible] - PREFINISHED METAL ROOF PANELS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS)

[illegible] - PREFINISHED METAL GAS VENT PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.

[illegible] - PREFINISHED METAL GUTTER PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH GAVE TRIM.

[illegible] - PREFINISHED METAL DOWNSPOUT WITH TIE BACKS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH GAVE TRIM.

DIVISION 14 - CONVEYING EQUIPMENT (REFER TO EQUIPMENT SCHEDULE)

DIVISION 15 - MECHANICAL

[illegible] - WALL HYDRANT (SEE/RE TO PLUMBING SHEETS)

[illegible] - MECHANICAL FAN OR LOUVER. COLOR TO MATCH ADJACENT WALL MATERIAL (REFER TO HVAC SHEETS)

DIVISION 16 - ELECTRICAL

[illegible] - WALL MOUNTING LIGHT FIXTURE (REFER TO ELECTRICAL SHEETS)

REVISIONS

DATE ISSUED

NO. REC 10-0437-97

SHREMSHOCK ARCHITECTS, INC.

AMARALTO CONCRETE, INC.
12700 NW 95TH STREET
MIAMI, FL 33182
FOR
BECKER / Bellaire
JOINT VENTURE

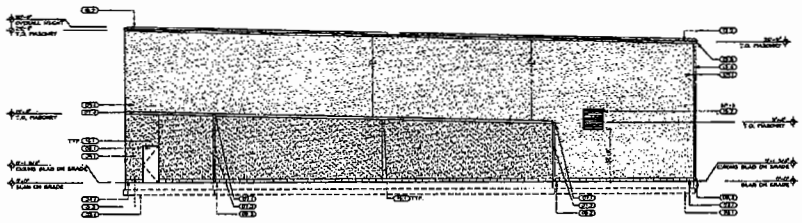
EXTERIOR ELEVATIONS

DRAWN BY: XXX CHECKED BY: XXX

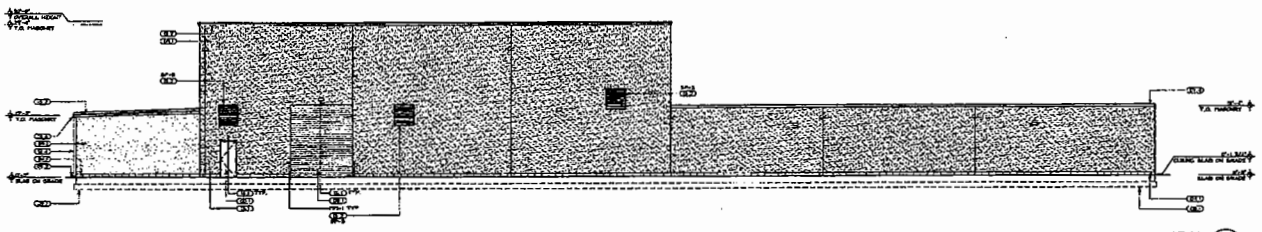
SCALE: 1/8" = 1'-0"

DRAWING NUMBER:
E1.1

25



NORTH ELEVATION (A)



EAST ELEVATION (B)

RECEIVED
207-103
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

## GENERAL NOTES: EXTERIOR ELEVATIONS

1. ALL EXTERIOR ROOF PANELS ARE METAL BUILDING MANUFACTURER'S STANDARD PRE-PAINTED METAL PANELS. U.N.O. COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS.
2. ALL DOWNSPOUTS THAT TRAVEL AT GRADE SHALL BE PROVIDED WITH A CONCRETE SPLASHBLOCK. SPLASHBLOCKS SHALL SLOPE AWAY FROM BUILDING.
3. EXTERIOR LIGHT FIXTURES LOCATED AT CEILING DOOR SHALL BE MOUNTED AT 10'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED ON SIDE FACADE WALL ARE MOUNTED AT 8'-0" A.F.F. EXTERIOR LIGHT FIXTURES LOCATED AT DOORS SHALL BE MOUNTED AT 8'-0" A.F.F.

## CODED NOTES: EXTERIOR ELEVATIONS

NOTE: NOT ALL NOTES LISTED BELOW ARE HOWEVER USED ON THIS SHEET. ON DESIGN OF KEY NOTES STARTS BACK UP CENTER THE DIVISION OF WORK AMONG TRADES NOR THE EXTENT OF WORK TO BE PERFORMED BY ANY TRADE.

DIVISION 02 - SITEWORK (REFER TO CIVIL DRAWINGS)

DIVISION 03 - CONCRETE

03.1 - FOOT/FOUNDATION BELOW GRADE. (REFER TO STRUCTURAL SHEETS FOR CONFIGURATION AND DETAIL)

03.2 - LOW/HIGH SPLASHBLOCK LOCATE UNDER DOWN SPOUT. SLOPE AWAY FROM BUILDING

DIVISION 09 - WINDOWS (REFER TO REMAINING SHEETS)

09.1 - CMU WALL PAINTED TO MATCH STUCCO FINISH

DIVISION 09 - IN (REFER TO REMAINING SHEETS)

DIVISION 07 - THERMAL AND MOISTURE PROTECTION

07.1 - 5" PRE-FINISHED GALVANIZED METAL GUTTER

07.2 - 5" PRE-FINISHED METAL DOWNSPOUT WITH TIE BACKS

07.3 - 10 YR. SHEET PLY ROOF MEMBRANE. REFER TO SPECIFICATIONS

07.4 - PRE-FINISHED GALVANIZED METAL DRIPPY. DRIP FASCIA

DIVISION 08 - DOORS AND WINDOWS

08.1 - EXTERIOR DOOR - FRAME (REFER TO DOOR SCHEDULE)

DIVISION 09 - IN (REFER TO REMAINING SHEETS)

09.1 - STUCCO FINISH OVER METAL LATH

DIVISION 10 - EQUIPMENT (REFER TO REMAINING SHEETS)

DIVISION 13 - (NOT PRESENT IN U.S.)

DIVISION 14 - SPECIAL CONSTRUCTION

14.1 - PRE-FINISHED METAL ROOF ANGLE PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS)

14.2 - PRE-FINISHED METAL SAVE TRIM, PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR AS SELECTED BY ARCHITECT FROM MANUFACTURER'S FULL RANGE OF STANDARD COLORS

14.3 - PRE-FINISHED METAL GUTTER PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SAVE TRIM.

14.4 - PRE-FINISHED METAL DOWNSPOUT WITH TIE BACKS PROVIDED BY METAL BUILDING MANUFACTURER (REFER TO SPECIFICATIONS). COLOR TO MATCH SAVE TRIM.

DIVISION 15 - CONSTRUCTION EQUIPMENT (REFER TO EQUIPMENT SCHEDULE)

DIVISION 15 - MECHANICAL

15.1 - WALL MOUNTED (REFER TO PLUMBING SHEETS)

15.2 - MECHANICAL FAN OR LOUVER. COLOR TO MATCH ADJACENT WALL MATERIAL (REFER TO MAKE SHEETS).

DIVISION 16 - ELECTRICAL

16.1 - WALL MOUNTED LIGHT FIXTURE. (REFER TO ELECTRICAL SHEETS)

REVISIONS:

DATE ISSUED:
NO. REF. ISSUE BY

SEREMSHOCK ARCHITECTS, INC.
[illegible]

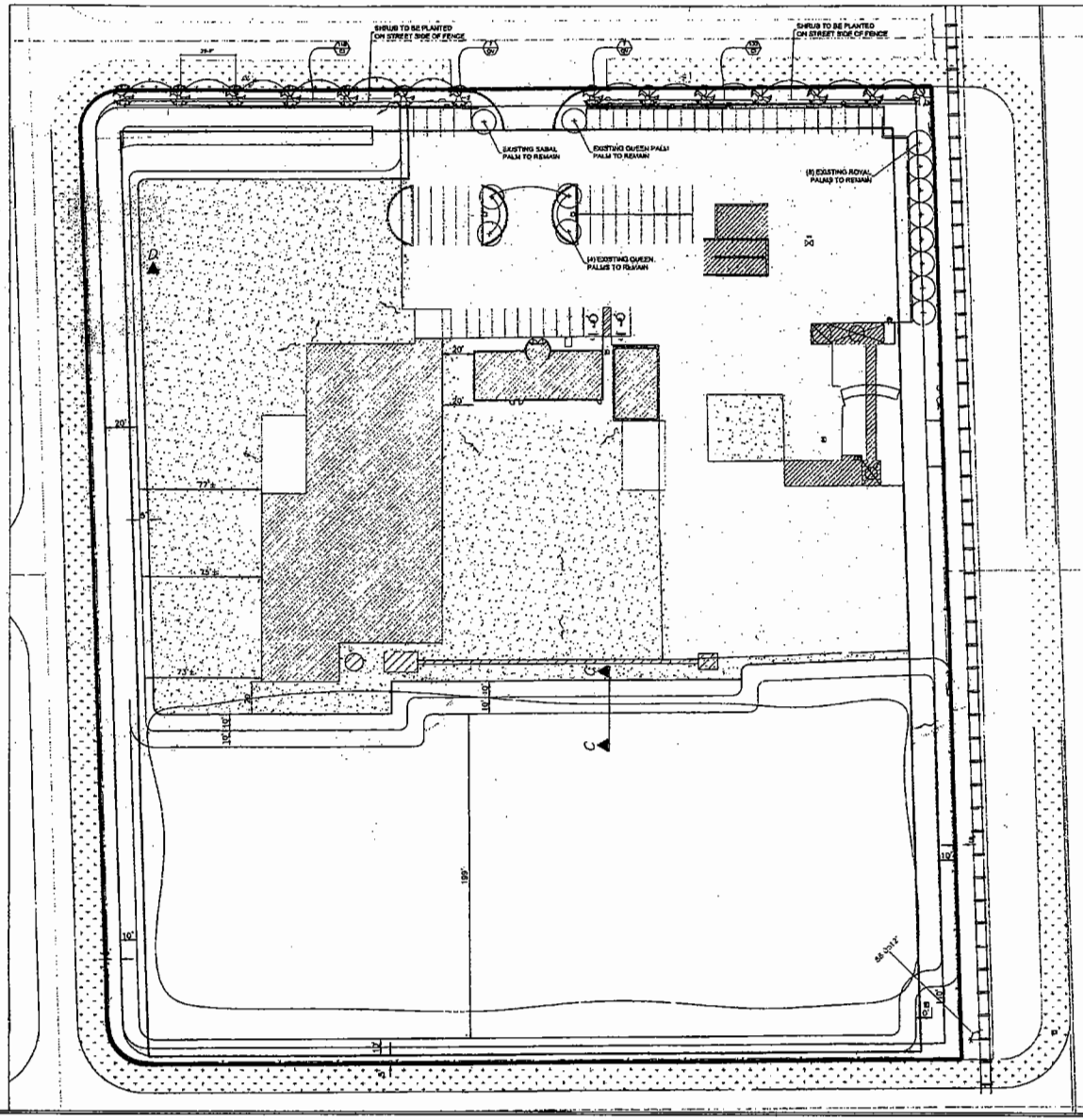
AMARALTO CONCRETE, INC.
12000 NW 15TH STREET
MIAMI, FL 33182
FOR
[illegible]/DeMare
[illegible]

EXTERIOR ELEVATIONS

DRAWN BY: XXX CHECKED BY: XXX

SAS #
DRAWING NUMBER:
E-2

26




| LANDSCAPE LIST | | | |
|---|---|---|---|
| QUANTITY | KEY | BOTANICAL / COMMON NAME | DESCRIPTION |
| 14 | | Quercus virginiana LIVE OAK | 12' ht. X 4' spr. f.g. |
| 210 | CI | Chrysobalanus icaco Red Tip RED TIPPED COCOA PLUM | 24" ht. X 24" spr. 3 gal. |
| AS REQ'D | LAWN | Stenotaphrum secundatum ST. AUGUSTINE GRASS | Solid Even Sod |

| LANDSCAPE LEGEND<br>Ordinance 98-13 | | |
|---|---|---|
| ZONE DISTRICT: GU (IU-1 USE) | | |
| Gross Land: 7.30 (acres) Net Land: 7.30 (acres) Water Bodies: 0 | | |
| | REQ. | PROV. |
| Landscape Open Space (if applicable) | N/A | N/A |
| Greenbelt Width (if applicable) | N/A | N/A |
| Lawn Area (As defined in Ordinance) | N/A | N/A |
| TREES: | | |
| Street Trees: 459 Lf. street frontage | 14 | 14 |
| TOTAL NUMBER OF TREES | 14 | 14 |
| SHRUBS: (10 shrubs for each tree req.) | 140 | 210 |
| 30% shrubs/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code | | |

RECEIVED
207-103
JUL 27 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

WITKIN HULTS DESIGN GROUP

AMARAL TO CONCRETE
12700 NW 15 STREET
MIAMI DADE COUNTY, FLORIDA 33182

Project:

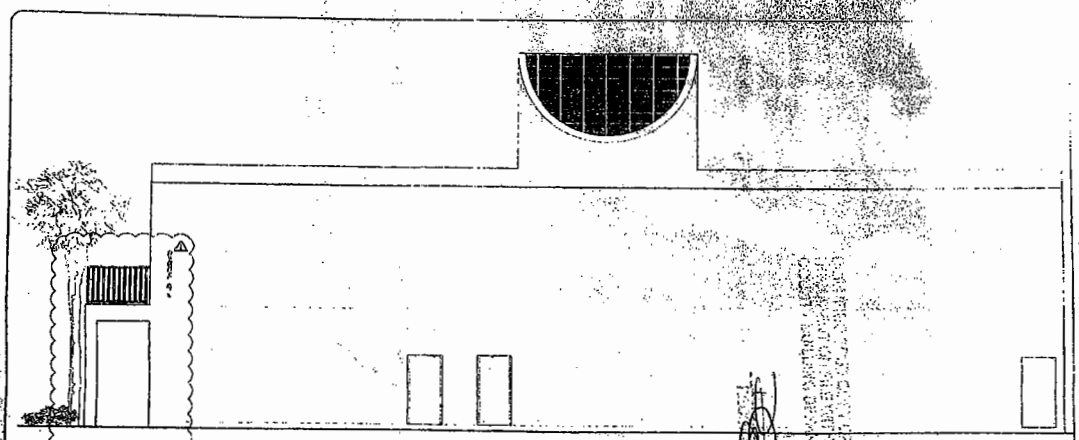
Revisions:

Staff:

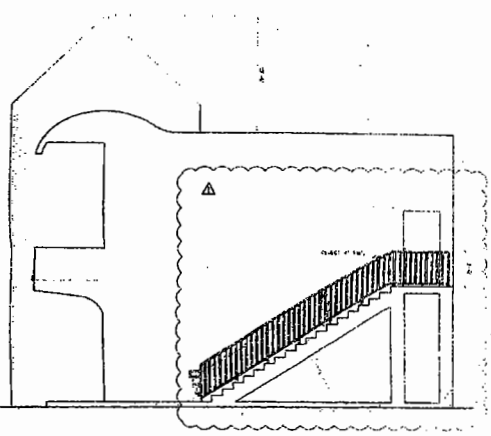
Lic. # LA0000686
Member A.S.L.A.

Drawing Name: LANDSCAPE PLAN
Date: 4/20/2010
Scale: 1" EQUALS 30'-0"
Drawn by: KH
Sheet No.:

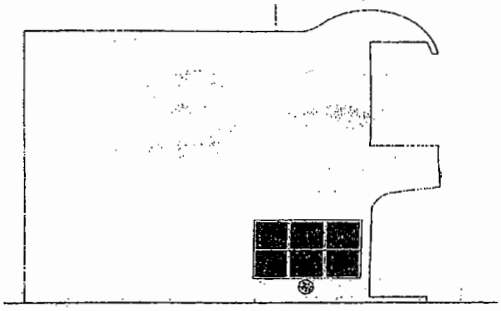
L-1



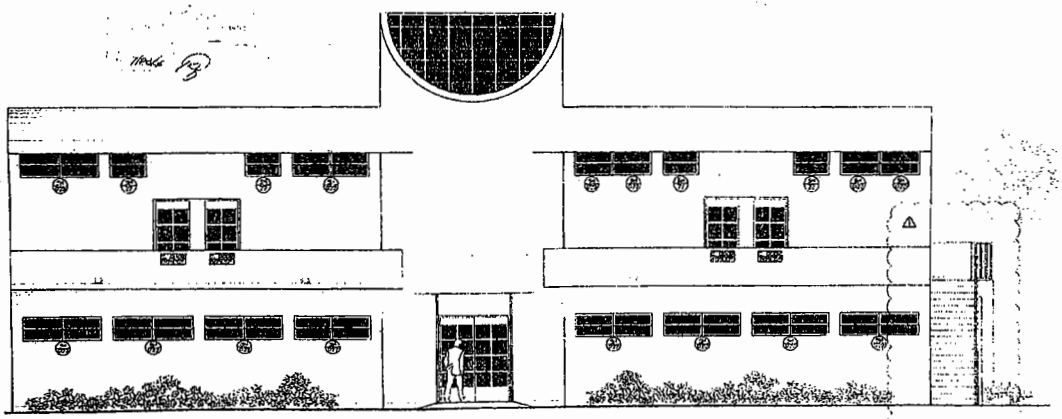
SOUTH ELEVATION 1/4" = 1'-0"



WEST ELEVATION 1/4" = 1'-0"



EAST ELEVATION 1/4" = 1'-0"



NORTH ELEVATION 1/4" = 1'-0"

A3
16

PROPOSED OFFICE & WAREHOUSE FOR BATCHING PLANT
PROPOSED OFFICE & WAREHOUSE FOR AMARALTO CONCRETE
NW. 15TH. STREET & NW. 127TH. AVE., MIAMI, FLORIDA

ELEVATIONS

FRANCISCO A. BENITEZ A.I.A. ARCHITECTS
AR 0007438/8431 SW. 26th. ST. MIAMI, Fl./ PH 305-223-8457

RH. 07-103 EXISTING BUILDING ELEVATIONS PG EB-1

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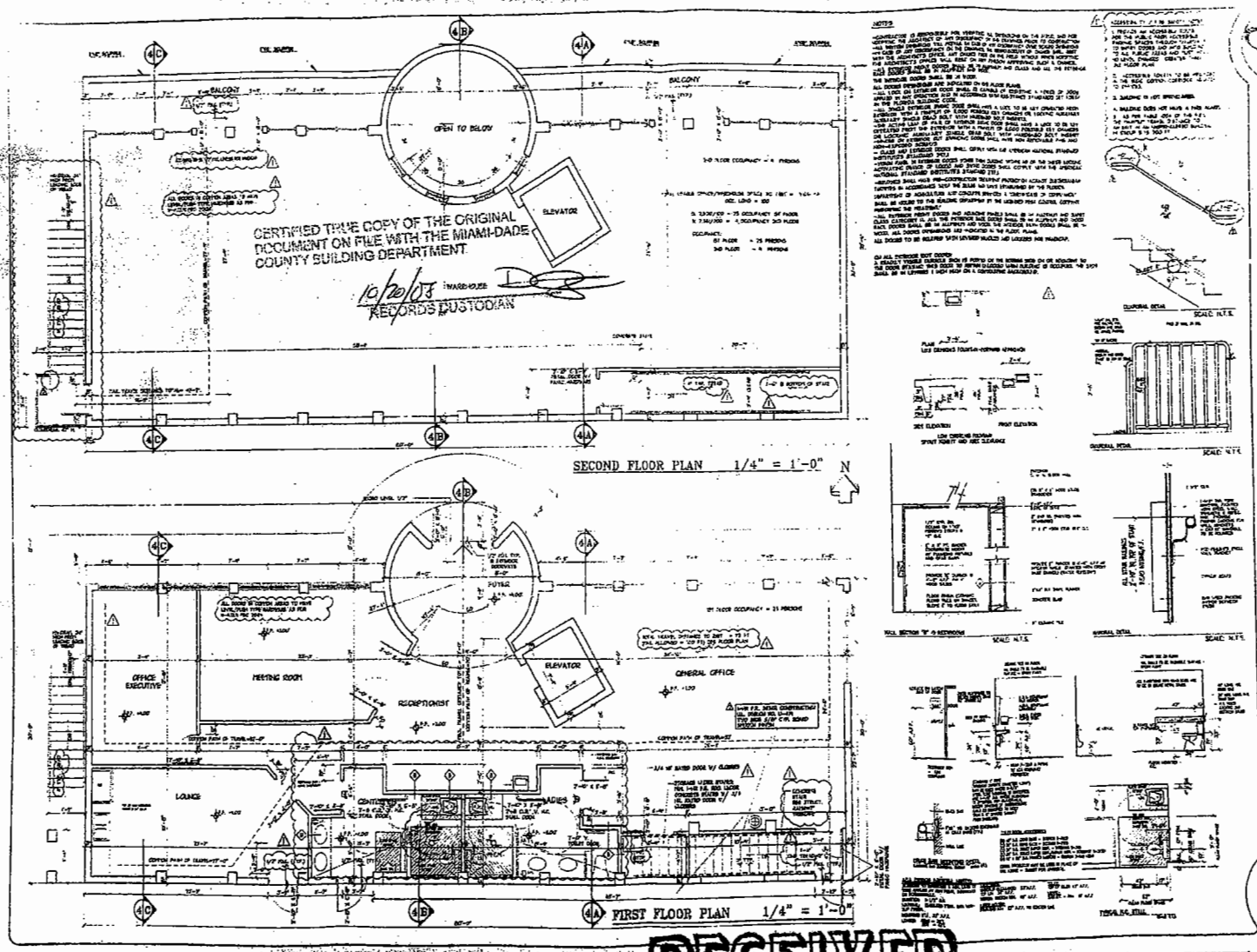
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

28

13/5

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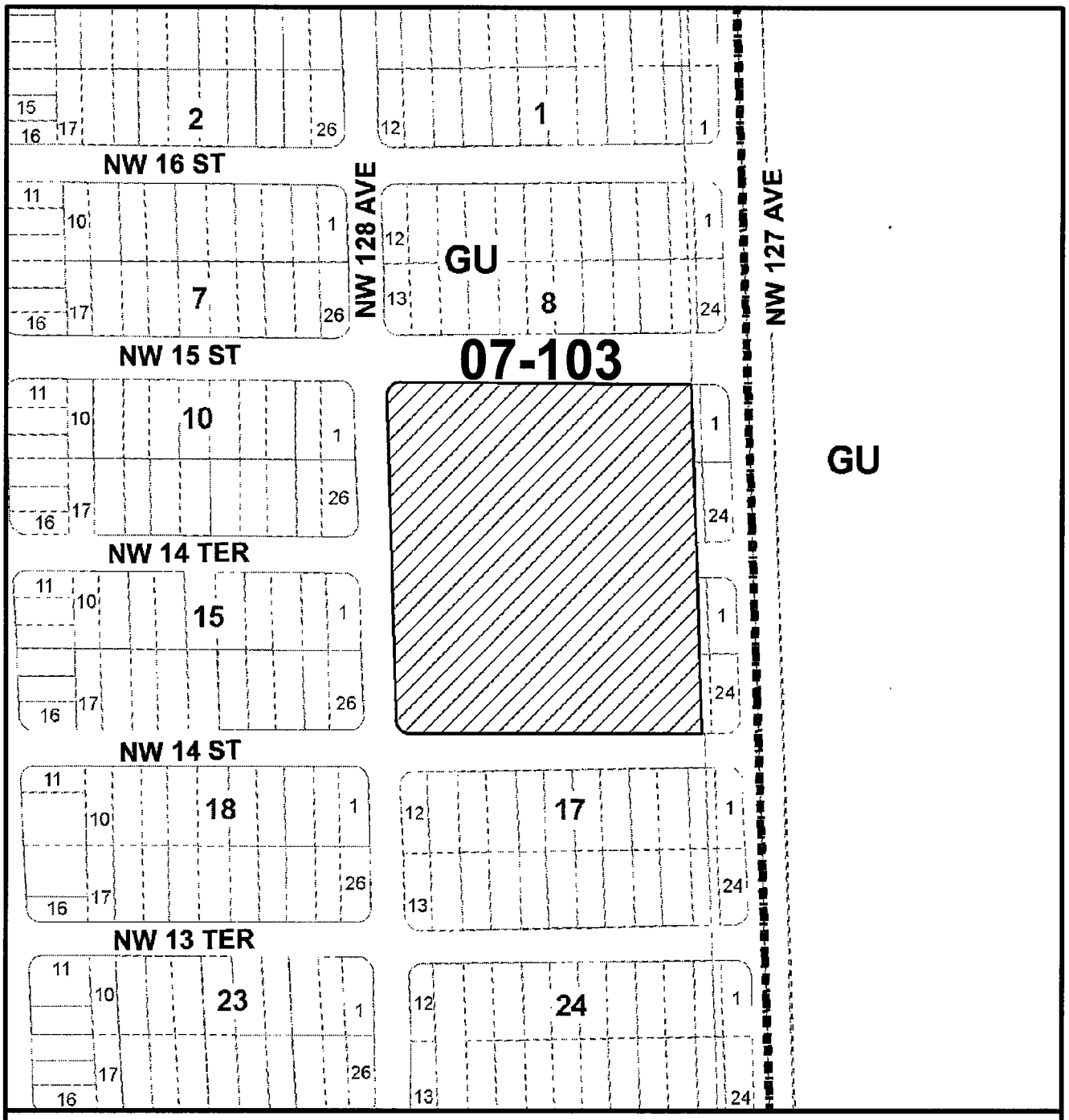
JUL 27 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY_____




MIAMI-DADE COUNTY
**HEARING MAP**

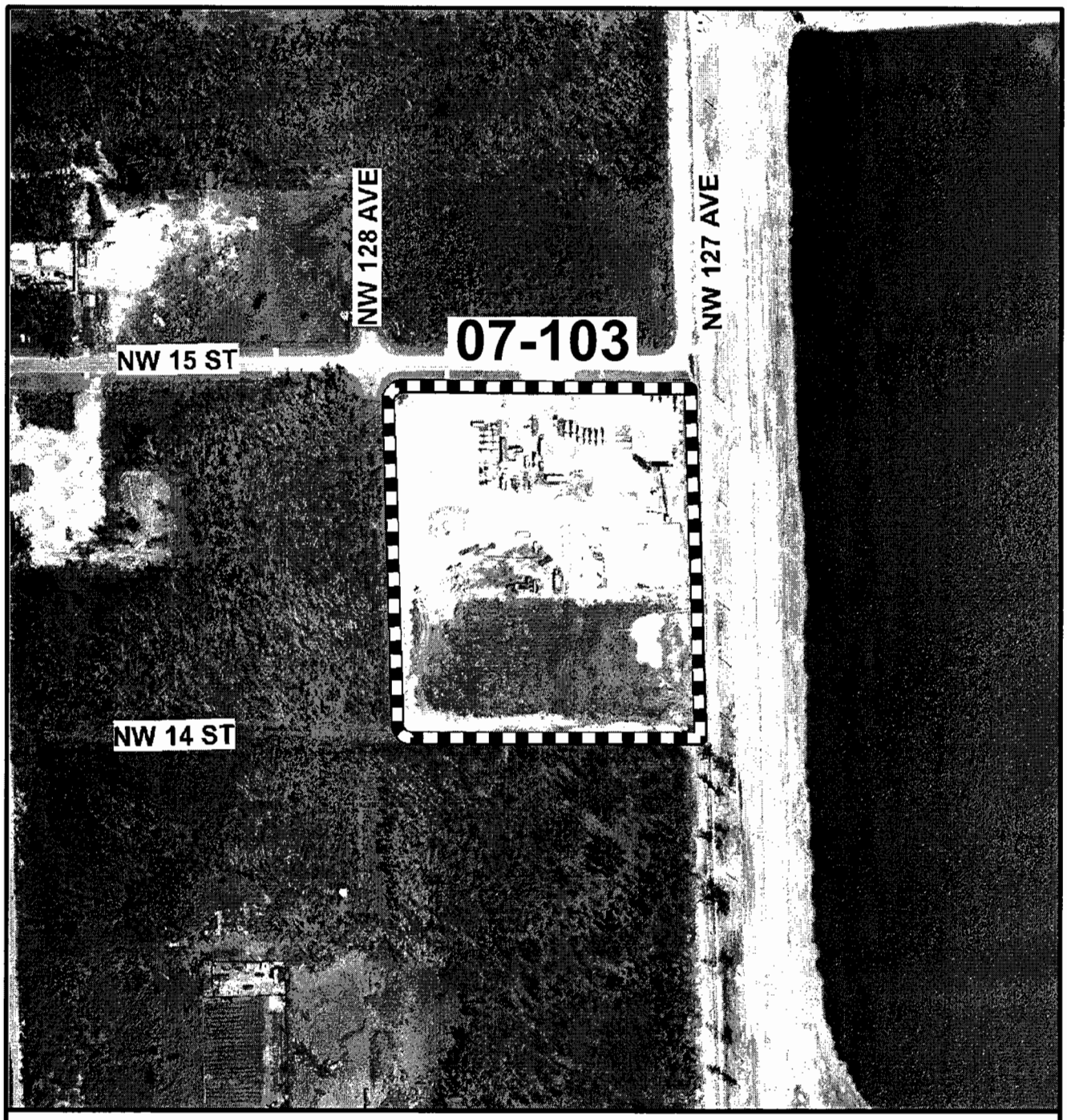
S C A L E
0 NTS
N

SUBJECT PROPERTY

**Section: 35 Township: 53 Range: 39**
**Process Number: 07-103**
**Applicant: ANGEL & MAIA LLIZO**
**Zoning Board: C05**
**District Number: 12**
**Cadastral: N'NAGBE**
**Scale: NTS**

MIAMI-DADE COUNTY

GEOMATICS 07-103 04/05/07




MIAMI-DADE COUNTY
**AERIAL**

S C A L E
0 NTS
N

SUBJECT PROPERTY

**Section: 35 Township: 53 Range: 39**
**Process Number: 07-103**
**Applicant: ANGEL & MAIA LLIZO**
**Zoning Board: C05**
**District Number: 12**
**Cadastral: N'NAGBE**
**Scale: NTS**

MIAMI-DADE COUNTY

GEOMATICS 07-103 04/05/07

**2. SANTA FE HACIENDAS LLC &**
**CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**
**(Applicant)**

**11-3-CC-2 (09-176)**
**BCC/District 11**
**Hearing Date: 03/17/11**

Property Owner (if different from applicant) **Santa Fe Haciendas LLC.**

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1978 | Directors, Building, & Zoning & Planning Depts. | - Zone change from IU-1 & IU-2 to AU. | BCC | Approved |

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANTS:** Santa Fe Haciendas, L.L.C., Et Al **PH:** Z09-176 (11-3-CC-2)

**SECTION:** 1-55-38 **DATE:** March 17, 2011

**COMMISSION DISTRICT:** 11 **ITEM NO.:** 2

==========

## A. INTRODUCTION

- **SUMMARY OF REQUEST:**

  This application seeks to allow a lake excavation and an ancillary rock crushing and screening plant.

- **REQUEST:**

  (1) UNUSUAL USE to permit a lake excavation and an ancillary rock crushing and screening plant.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets. Plans may be modified at public hearing.

- **LOCATION:**

  Lying west of SW 177 Avenue (Krome Avenue), and south of theoretical SW 90 Street Street, Miami-Dade County, Florida.

- **SIZE:** 412 Gross Acres

## B. ZONING HEARINGS HISTORY:

In January 1957, the subject property was a part of a parcel of land that was rezoned from GU, Interim District, to IU-1, Light Manufacturing District and IU-2, Heavy Manufacturing District, pursuant to Resolution #10967. Subsequently, in October 1978, the subject property was rezoned to AU, Agricultural District, pursuant to Resolution #Z-226-78.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being* ***approximately 0.47 miles*** *west of and* ***outside the Urban Development Boundary (UDB)*** *for* ***Agriculture*** *use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to,*

*and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.*

2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.* ***Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.***

***LU-1R.*** *Miami-Dade County shall take steps to reserve the amount of land necessary to maintain an economically viable agricultural industry. Miami-Dade County shall adopt and develop a transfer of developments rights (TDR) program to preserve agricultural land that will be supplemented by a purchase of development rights program to preserve agricultural land and environmentally sensitive property. The density cap of the land use category in the receiving area established by the TDR program may be exceeded. Land development regulations shall be developed to determine the extent that the density cap may be exceeded based on parcel size but in no case shall it exceed 20 percent.*

***LU-3F. Super-Majority Vote:*** *Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.*

***Other Land Uses Not Addressed.***

*Certain uses are not authorized under any LUP map category, including many of the uses listed as **"unusual uses"** in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.*

***Uses and Zoning Not Specifically Depicted on the LUP Map.*** *Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida.*

**D. NEIGHBORHOOD CHARACTERISTICS:**

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| AU; vacant land | Agriculture |
| **Surrounding Properties:** | |
| **NORTH:** AU; lake excavation | Agriculture |
| **SOUTH:** AU; farm residences, vacant land | Agriculture |
| **EAST:** AU; row crops, vacant land | Agriculture |

**WEST:** GU; park Environmentally Protected Parks

## E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

***Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.*** *The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and* ***unusual uses*** *which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

***Section 33-314(C)(11.1) Direct Applications and Appeals to the County Commission.*** *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rockmining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rockmining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rockmining pursuant to Section 33-422(c) of this article.*

***Section 33-422(3) Uses Permitted by this Article.*** *For the purposes of this article, "bona fide rockmining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

## F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

| | |
|---|---|
| DERM | **Objects*** |
| Public Works | **No objection*** |
| Parks | **No objection** |
| MDT | **No objection** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **Not applicable** |

*Subject to conditions indicated in their memoranda.

## G. PLANNING AND ZONING ANALYSIS:

This application was indefinitely deferred from the January 13, 2011 meeting by the Community Zoning Appeals Board 11. The applicant subsequently amended the application and provided the Department with additional information in a revised letter of intent indicating that the operator overseeing the proposed lake excavation and the ancillary rock crushing and screening plant is the same operator on the Krome Quarry located on the abutting property to the north along with other documentation. As such, this application meets the criteria for direct application to the Board of County Commissioners (BCC), under Section 33-314(C)(11.1), Direct Applications and Appeals to the County Commission, of the Code and as such should be scheduled before the BCC.

The subject property is located approximately 0.47 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. This application would allow the applicant an Unusual Use to permit a 306.82 acre lake excavation with a minimum depth of 50' along with a rock crushing and screening plant on this 412-acre AU, Agricultural District lot. However, the CDMP indicates that *uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area.* The applicants' letter of intent indicates that the lake excavation will be ancillary to a rock crushing and screening plant, which is similar to the uses allowed in the Rock Mining Overlay District (ROZA). However, staff notes that the subject property is located approximately 1.5 miles south of and outside the ROZA district and the entire 412-acre parcel is zoned Agriculture.

The interpretative text of the *CDMP allows for the consideration of the expansion of existing quarrying and ancillary uses in the Agriculture area.* The applicants are seeking an unusual use to permit a lake excavation and ancillary uses on a parcel of land that does not have an ongoing lake excavation use. The abutting property located to the north contains an ongoing lake excavation and ancillary uses which were initially approved approximately fifty (50) years prior to the applicants' request for a lake excavation on the subject property. This adjacent property was approved for a district boundary change from GU, Interim District, to IU-2, Heavy Industrial Manufacturing District and a special permit to permit rock excavation, pursuant to Resolution #933 in January 1958. Said lake excavation was permitted based on the IU-2 zoning and approved with its own setback and buffer area limits, in order to separate it from the adjoining properties as well as limit any negative impact from the excavation on the surrounding properties. Staff notes, that the existing lake excavation property to the north is not included in the application area. Furthermore, the applicant has provided no evidence that the existing lake excavation to the north of the subject property will be physically and operationally expanded to unify both properties and operations. Therefore, the proposed application will allow independent lake operations and independent lake excavations to occur on these two properties and not as a result of a unified expansion. **As such, staff concludes that based on the above, the proposed lake excavation and ancillary uses on the subject property is not an expansion of an existing quarrying use and is *inconsistent with the CDMP.***

It should also be noted that the subject property and the property to the north were rezoned from industrial uses to GU and AU, pursuant to Resolution #Z-115-75 and Resolution #Z-226-78. The intent of said rezoning was to further the policies and objectives of the LUP map of the CDMP which designated this area of the County for Agricultural use. Notwithstanding the foregoing, staff notes that the CDMP states that *all existing lawful uses and zoning are deemed to be consistent with this Plan.*

Further, staff notes that the subject property is currently engaged in Agricultural cultivation and receives an agricultural tax exemption from the Property Appraiser's Department. **Policy LU-1R**, of the interpretative text of the CDMP states that *Miami-Dade County shall take steps to reserve the amount of land necessary to maintain an economically viable agricultural industry.* Therefore, staff opines that approval of this application would result in a substantial depletion of agricultural land in this area and have an unfavorable effect on the agricultural economy of the County. Further, staff notes that the subject property abuts properties to the south, and east that are currently zoned AU and are engaged in agricultural cultivation, some of which also have farm residences. The CDMP also states that *the principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences.* Staff therefore opines that approval would be contrary to the intent of the policies and objectives of the plan for the development of this area of the County as indicated in the CDMP and is therefore **inconsistent** with the LUP map and the interpretative text of the CDMP and **incompatible with the adjacent agricultural uses and should be denied without prejudice.**

Additionally, Policy **LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than two-thirds of the total membership of the Board of County Commissioners then in office, where such Board of County Commissioners (BCC) issues a decision.* Staff notes that the subject property is located outside the UDB and within a mile of the right-of-way of Krome Avenue. As such, the approval of this application would require a super-majority vote since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses states that *the Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people*

*or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.* When the application is analyzed under this section of the Code, staff maintains that, as previously mentioned, approval of the application could result in a loss of an additional 412 acres of cultivable agricultural land, which staff opines would have a negative impact on the agricultural economy in this section of the County. In addition, although the Public Works Department and MDFRD do not object to the application, staff notes that DERM objects to this application and indicates in their memorandum that the proposed excavation is located within 700' of the Everglades National Park (ENP) and the L-31N levee. The DERM memorandum indicates that approval of the excavation will be detrimental to the wetlands in the ENP.

Further, notwithstanding the approval of the application by the Public Works Department, staff opines that approval of the application will result in an increase in heavy truck traffic on the abutting roadways, and will especially increase the traffic load on Krome Avenue, a well travelled Section Line roadway. Additionally, staff opines that approval of this application would result in a removal of the existing buffer that the 412 acre subject property provides to the farm residences located to the south from the existing mining operations on the property located to the north. Staff opines that approval of the requested lake excavation and ancillary activities, which will likely entail blasting as was done on the property to the north in 1958, will create a negative aural impact on the abutting residences located to the south. Further, staff notes that since the initial approval of the rock mining operations located to the north of the subject property in the 1950's, the Urban Development Boundary (UDB) has been expanded to within a half mile of Krome Avenue, which abuts the eastern property line of the subject property. This has resulted in a mix of residential and mixed use developments within a half mile of the proposed mining operation. Therefore, staff opines that approval of this new commercial mining operation would be **incompatible** with the primarily agricultural uses located to the south and east of the subject property, the environmentally sensitive, Everglades National Park located to the west and the residential uses located approximately 0.47 miles to the east within the UDB.

As such, staff opines that the applicant's request to permit a lake excavation and ancillary uses on this site constitutes a rock mining operation and is **inconsistent** with the adopted interpretative text and policies of the CDMP and can only be denied. **Based on the aforementioned, staff therefore, recommends that the applicant's request for an Unusual Use to permit a lake excavation and ancillary uses be denied without prejudice under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses.**

**H. RECOMMENDATION:** Denial without prejudice.

**I. CONDITIONS:** None.

**DATE TYPED:** 12/03/10
**DATE REVISED:** 02/06/10, 12/8/10, 01/28/11, 02/02/11, 02/07/11, 02/08/11, 02/09/11, 03/02/11
**DATE FINALIZED:** 03/02/11
MCL:GR:NN:AA:CH

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

# Memorandum

MIAMI-DADE COUNTY

**Date:** October 20, 2010

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

**Subject:** C-11 #Z2009000176-4th Revision
Santa Fe Haciendas, LLC
West of S.W. 177th Avenue and South of Theoretical S.W. 91st Street
Unusual Use to Permit a Lake Excavation and portable rock crushing and screening equipment.
(AU) (412 Acres)
01-55-38

---

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that at the present time the same cannot be approved. Therefore, DERM recommends denial until changes are made to the application that would allow DERM to issue a written approval. DERM approval of the application will be contingent upon compliance with all the requirements noted herein.

Wetlands

The Wetland Resources Section has reviewed the revised site plan submitted on August 20, 2010 by Santa Fe Haciendas, LLC requesting an unusual use to permit a lake excavation and the use of mobile ancillary rock crushing and screening equipment for a property located west of Krome Avenue and south of theoretical S.W. 91st Street in Miami-Dade County, Florida. On May 26, 2009, a Class IV Permit application was submitted to DERM requesting to excavate 5.18 acres of wetlands within the 412-acre project area. To date, the Class IV Wetland Permit has not been issued.

DERM notes that the edge of the proposed excavation is located within 700 feet of Everglades National Park (ENP) and the L-31N levee. The excavation will increase the seepage from the higher groundwater stages to the west to the lower stages to the east. This will be detrimental to the wetlands within the ENP. At this time, the applicant has not proposed an acceptable seepage management or mitigation plan that provides detailed modeling data or implementation timelines. Until such time, the project is likely to have unacceptable adverse environmental impacts. Therefore, DERM cannot recommend approval of the project.

The revised site plan depicts a lake excavation within the agricultural designation of the Comprehensive Development Master Plan (CDMP). This appears to be a new commercial use within the Agricultural area. DERM recommends that Planning carefully evaluate appropriateness of this use under the CDMP.

For the reasons stated above DERM cannot approve the proposed request for an unusual use to permit a lake excavation at this site.

Wellfield Protection

The subject property is located within the West Wellfield Interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Section 24-43(7) of the Code regulates excavations within wellfield protection areas. Section 24-43(7)(a) of the Code requires that no excavation may be permitted within a wellfield protection area unless the property owner has submitted to DERM a properly executed covenant running with the land in favor of Miami Dade County that shall provide for security measures during the excavation. The property owner has submitted a properly executed covenant, in accordance with Section 24-43(7) the Code.

Section 24-43(5) of the Code relates to a prohibition of hazardous materials within the wellfield protection areas. Therefore, a (5)(a) covenant must be proffered for the use of fuel and lubricants required for rockmining operations. As stated in this section of the Code, "...no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy...or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning actions...without obtaining the prior written approval of the Director or Director's designee." Said written approval, shall not be granted without the submittal of the (5)(a) covenant.

DERM may only approve this application if the applicant submits the required covenants or if the property owner obtains variances from the above noted Code requirements from the Environmental Quality Control Board (EQCB).

Stormwater Management

The covenant running with the land executed by the owner of the property in favor of Miami-Dade County is in accordance with Section 24-43(7) of the Code. This covenant has been reviewed and approved by DERM Water Control Section.

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting & site development, or public works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or Infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. Site grading and development shall provide for the retention of the 25-year/3-day storm event and shall also comply with the requirements of the Code.

The development criteria and the level of on-site flood protection may vary from those mentioned above if ground water stages are increased as a result of the implementation of the Comprehensive Everglades Restoration Plan.

Pollution Remediation

There are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

Tree Preservation
The subject property contains tree resources and contains jurisdictional wetlands. Wetland Resources will be regulated through a Class IV Wetland Permit. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History
DERM has found one closed enforcement record for the subject property identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing preliminary notice. The following is a summary of the enforcement case:

Rinker Materials Corp (AP-1614):
On or about August 8, 2005, DERM issued a Notice of Violation to the subject site for the emission of unlawful fugitive particulates. The violation was corrected and the case subsequently closed on August 23, 2005.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, DERM recommends denial of this application, however will allow the application to proceed to hearing.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

PH# Z2009000176
CZAB - C11

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: SANTA FE HACIENDAS LLC

This Department has no objections to this application.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

Additional improvements may be required at time of permitting/platting.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
22-APR-10

REVISION 2

# Memorandum

**Date:** 12-OCT-10

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

**Subject:** Z2009000176

## Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 10, 2010.
APPROVAL
- No objection to site plan date stamped September 27, 2010.

## Service Impact/Demand:

Development for the above Z2009000176
located at LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 91 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1813 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A | dwelling units | N/A | square feet |
| **residential** | | **industrial** | |
| N/A | square feet | N/A | square feet |
| **Office** | | **institutional** | |
| N/A | square feet | N/A | square feet |
| **Retail** | | **nursing home/hospitals** | |

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 8:10 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine Haz Mat Support.

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

**DATE:** 09-FEB-11

REVISION 2

# BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

**APPLICANT**

LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2009000176

**HEARING NUMBER**

## HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
BUILDING &NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
LYING WEST OF SW 177 AVE(KROME AVE) AND SOUTH OF THEORETICAL SW 90 ST, MIAMI-DADE COUNTY

Folio: 30-5801-000-0010

DATE:
2/8/11

CURRENT ENFORCEMENT HISTORY:

Open Cases:
No open cases.

Closed Cases:
No previous cases.

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 4, 2011

**To:** Franklin Gutierrez, Zoning Services Coordinator
Agenda Coordinator's Office

**From:** Pete Hassun, Zoning Serivices Inspector
Department of Planning and Zoning, Zoning Inspections

**Subject:** 09-176 Folio: 30-5801-000-0010 Santa Fe Haciendas LLC

---

Enforcement History:

No Certificate of Use found for this property.

Building and Neighborhood Compliance Department memo dated 02/09/2011 Rev#2 on file.

No violation cases found.

## DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: **CEMEX Construction Materials Florida, LLC**

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| CEMEX S.A.B. de C.V., Traded in NYSE | 100 % |
| | |
| | |
| | |

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME_____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:_____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER:_____

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Date of contract:_____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

**Signature:** _____
(Applicant)

Sworn to and subscribed before me this 10th day of January, 2011. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 9/4/11

Seal

SHERYL M. TYSON
My Comm. Expires SEP 4, 2011
No. DD 883827
NOTARY PUBLIC
STATE OF FLORIDA

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

## DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Sante Fe Haciendas, LLC

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| Mr. Masoud Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126 | 50% |
| Mrs. Maria Lamas-Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126 | 50% |
| | |

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
| | |

RECEIVED
2C917
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

| NAME AND ADDRESS (if applicable) | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

_____

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 18 day of December, 2009. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires 8/30/12

LYDIA CABRERA
Notary Public - State of Florida
My Commission Expires Aug 30, 2012
Commission # DD 785284
Bonded Through National Notary Assn.

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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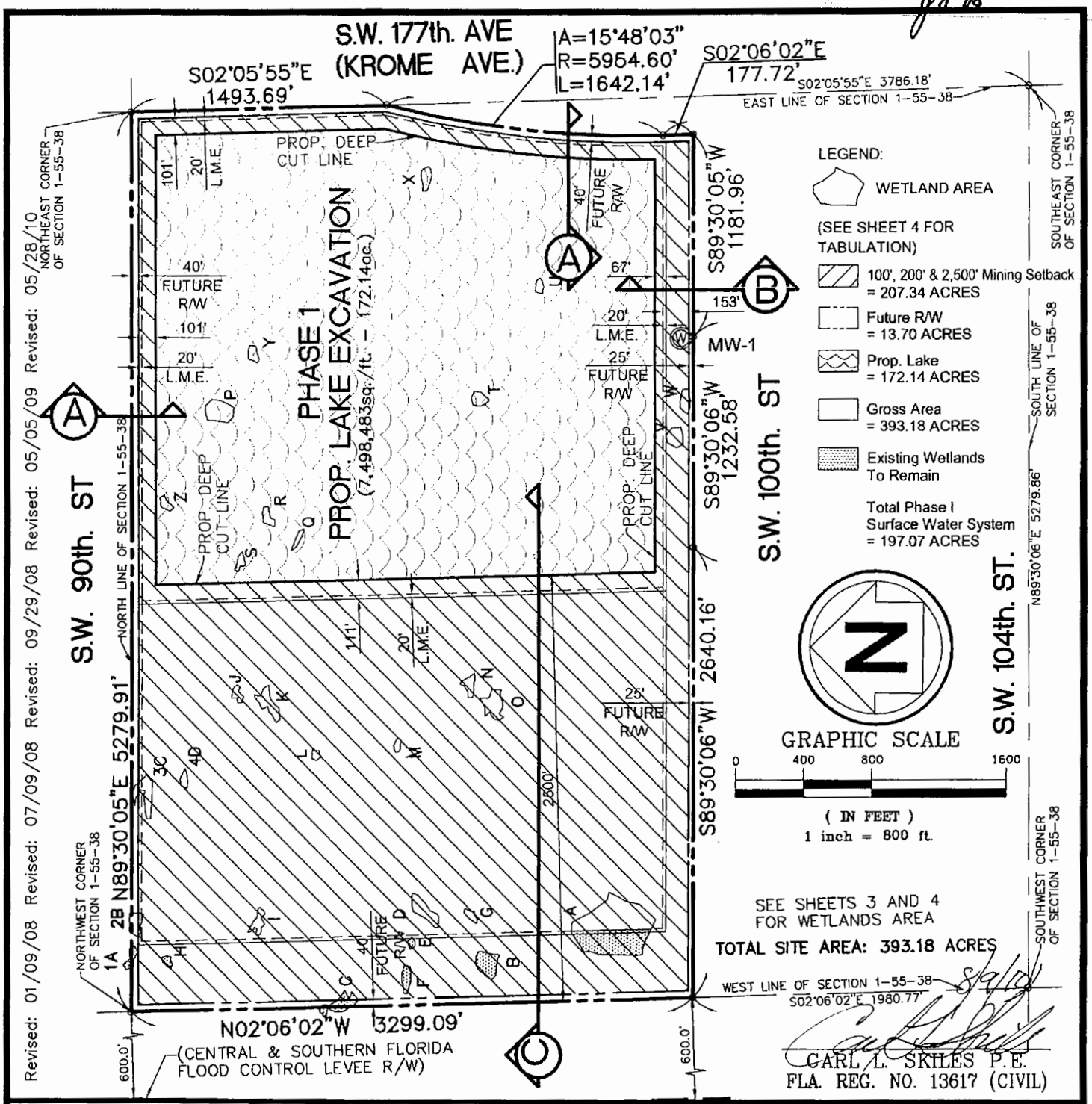
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

209-176
Rev#1 AG 7




| | | | |
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| Cad. No. | 061816-2 | FORTIN, LEAVY, SKILES, INC. | Scale 1"=800' |
| Ref. Dwg. | 3006-075 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 067027 |
| | | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 | Dwg. No. 1006-192 |
| Plotted: | 5/27/10 12:23a | 180 Northeast 168th Street / North Miami Beach, Florida 33162 | Sheet 2 of 6 |
| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |

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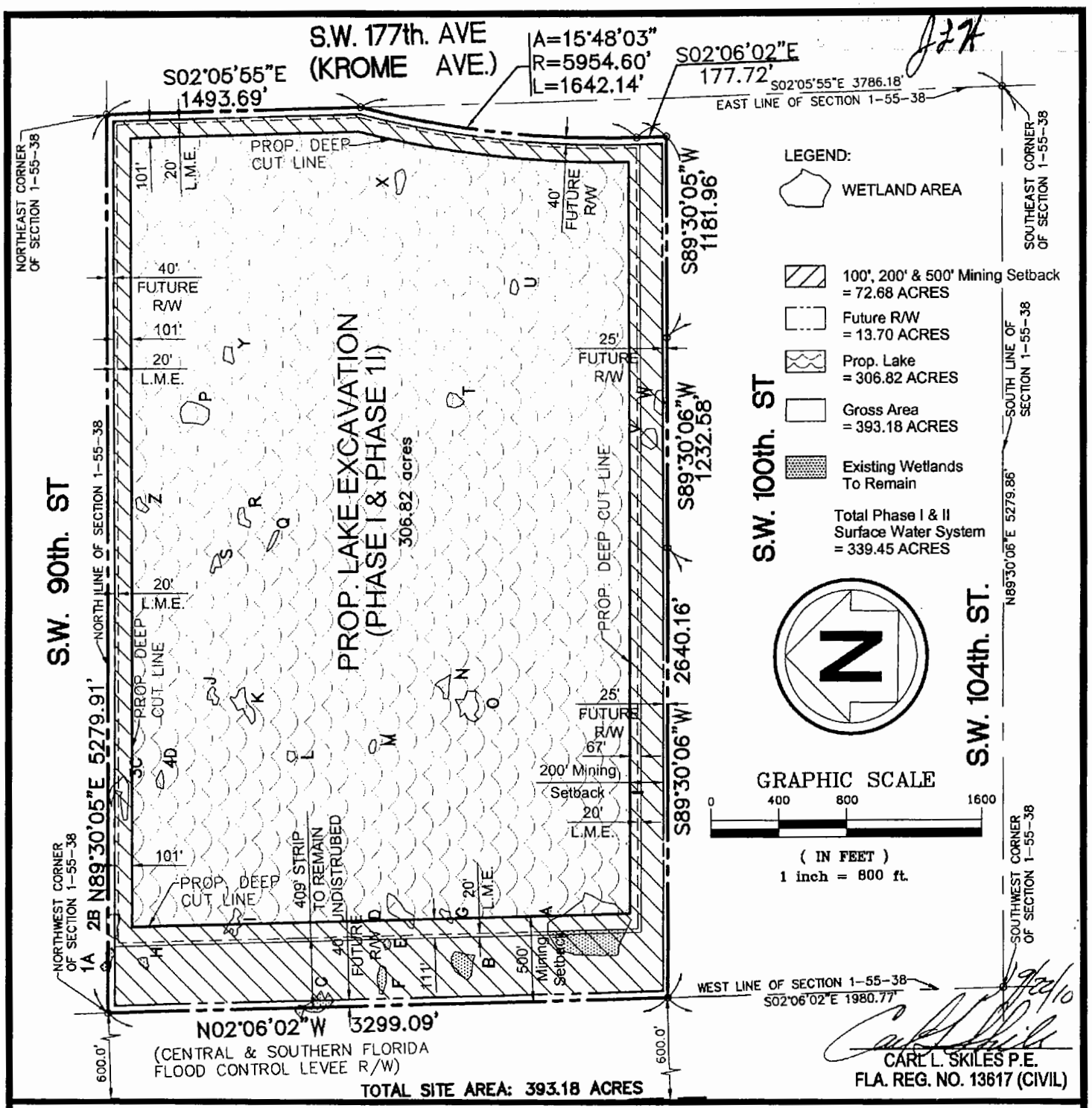
209-176
Rev#2

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| Drawn By | REP | Lake Excavation Plan (Phase I & Phase II) - Section 1-55-38 | Date 09/22/10 |
| Cad. No. | 061816-EX | FORTIN, LEAVY, SKILES, INC. | Scale 1"=800' |
| Ref. Dwg. | 3006-075 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 067027 |
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| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |

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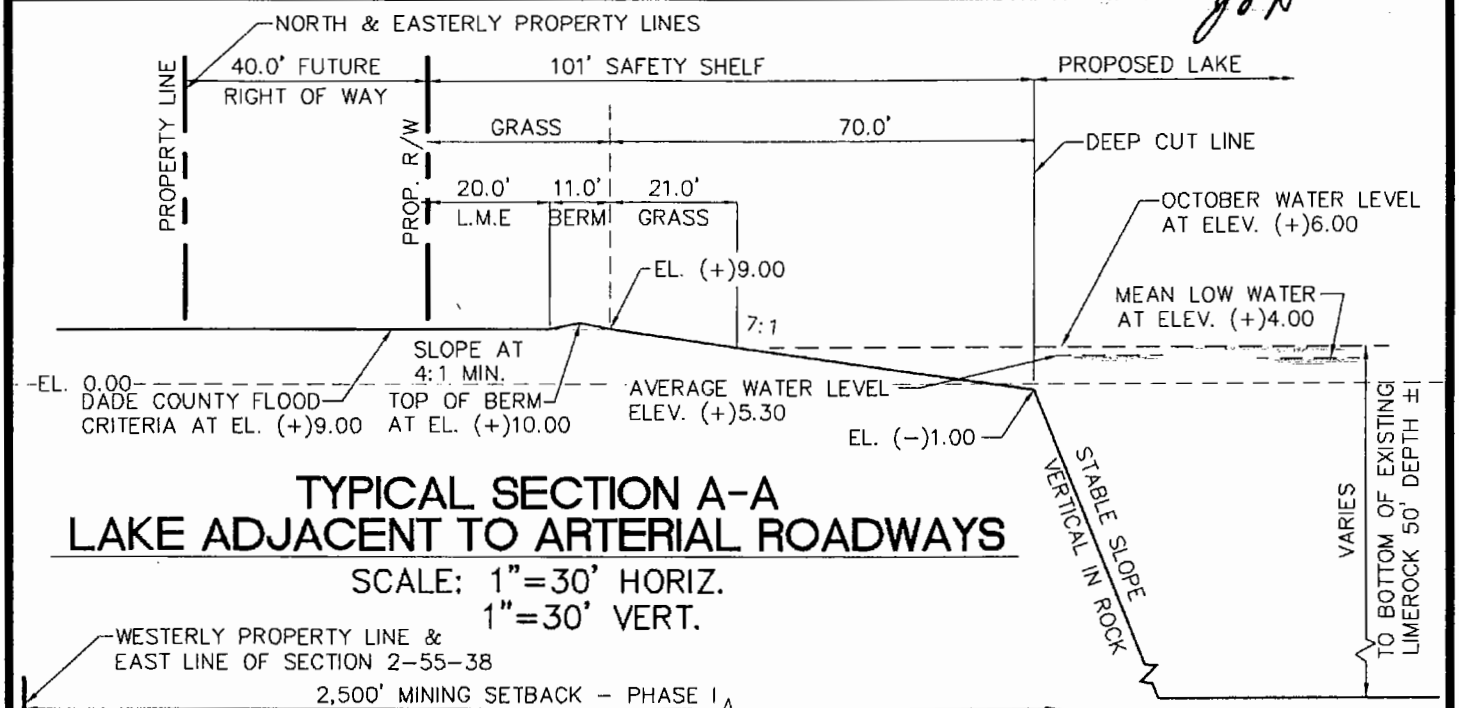
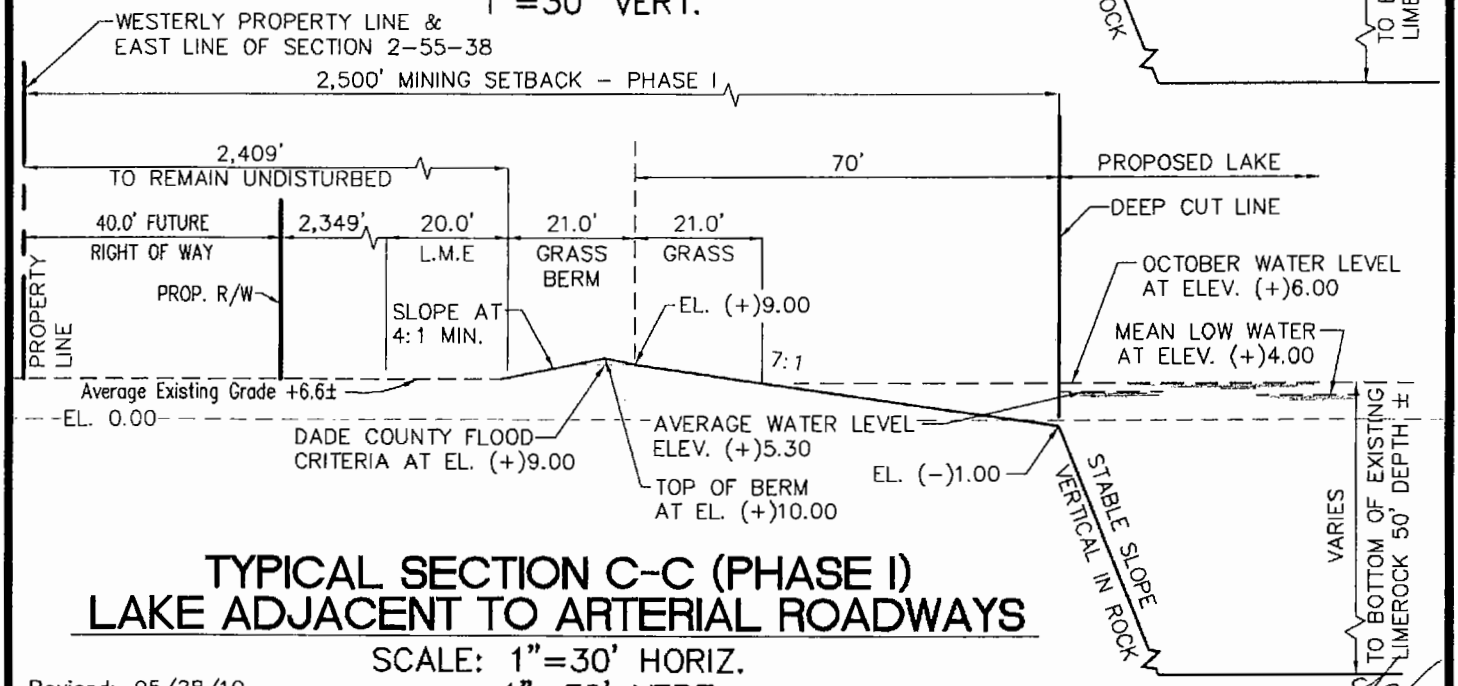
Rev#1 Z09-176 AG 7




## TYPICAL SECTION A-A
## LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.




## TYPICAL SECTION C-C (PHASE I)
## LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

Revised: 05/28/10
Revised: 05/05/09
Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

| | | | |
|---|---|---|---|
| Drawn By | REP | PROP. LAKE EXCAVATION - Section 1-55-38 | Date 09/18/06 |
| Cad. No. | 061816-2 | FORTIN, LEAVY, SKILES, INC. | Scale AS SHOWN |
| Ref. Dwg. | 3006-075 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 067027 |
| | | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 | Dwg. No. 1006-192 |
| Plotted: | 5/27/10 12:23a | 180 Northeast 168th Street / North Miami Beach, Florida 33162 | Sheet 5 of 6 |
| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |

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Rev#1 1 6 7

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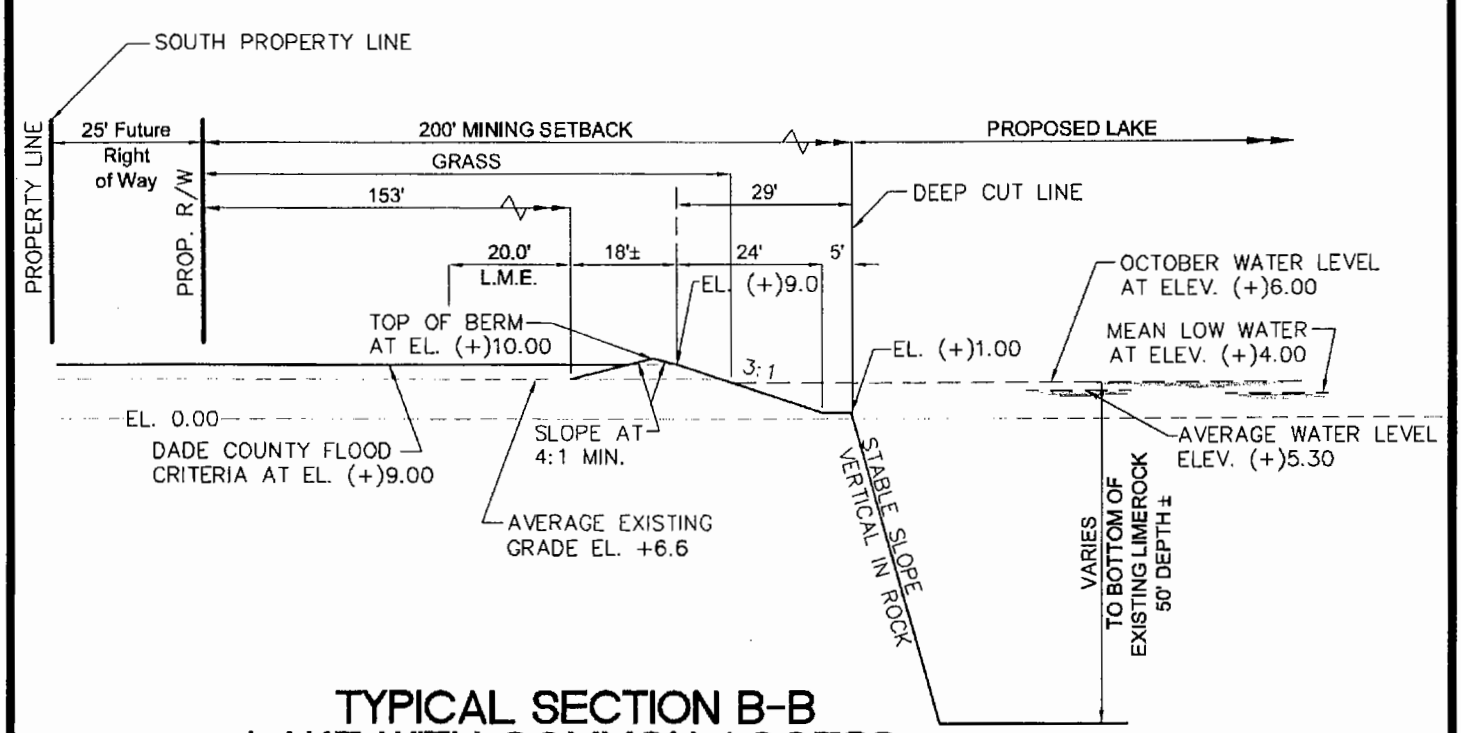


# TYPICAL SECTION B-B
# LAKE WITH COMMON ACCESS, NOT ADJACENT TO ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Revised: 09/29/08
Revised: 01/09/08

| | | | |
|---|---|---|---|
| Drawn By | REP | PROP. LAKE EXCAVATION - Section 1-55-38 | Date 09/18/06 |
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| Ref. Dwg. | 3006-075 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 067027 |
| | | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 | Dwg. No. 1006-192 |
| Plotted: | 5/27/10 12:23a | 180 Northeast 168th Street / North Miami Beach, Florida 33162 | Sheet 6 of 6 |
| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |

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209-176 Rev#1

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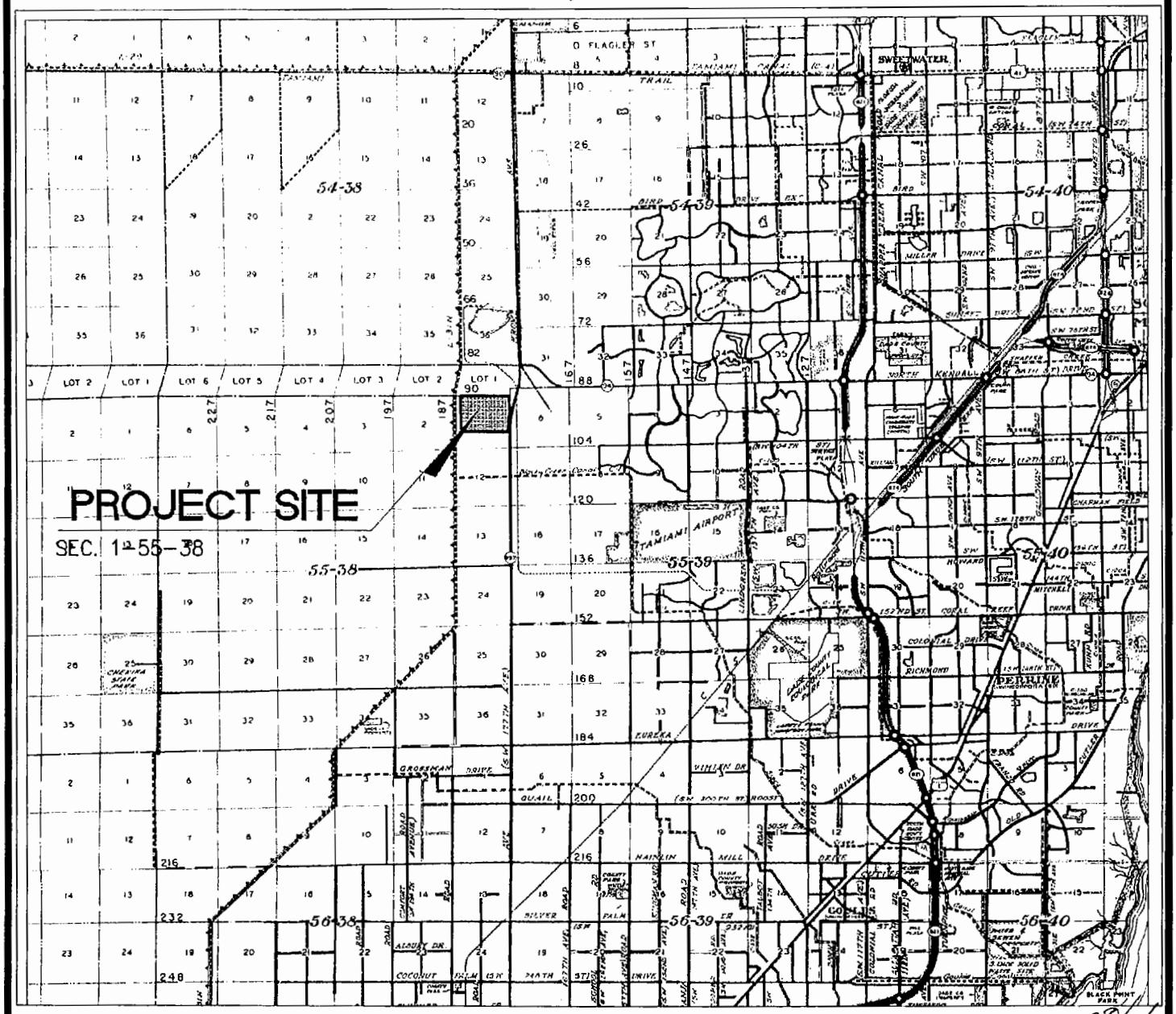


# LOCATION SKETCH

SECT 1, TWP. 55s, RNG. 38e.
N.T.S.

Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

N

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

| | | | |
|---|---|---|---|
| Drawn By | REP | PROP. LAKE EXCAVATION - Section 1-55-38 | Date 09/18/06 |
| Cad. No. | 061816-2 | FORTIN, LEAVY, SKILES, INC. | Scale AS SHOWN |
| Ref. Dwg. | 3006-075 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 067027 |
| | | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 | Dwg. No. 1006-192 |
| Plotted: | 5/27/10 12:23a | 180 Northeast 168th Street / North Miami Beach, Florida 33162 | Sheet 1 of 6 |
| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |

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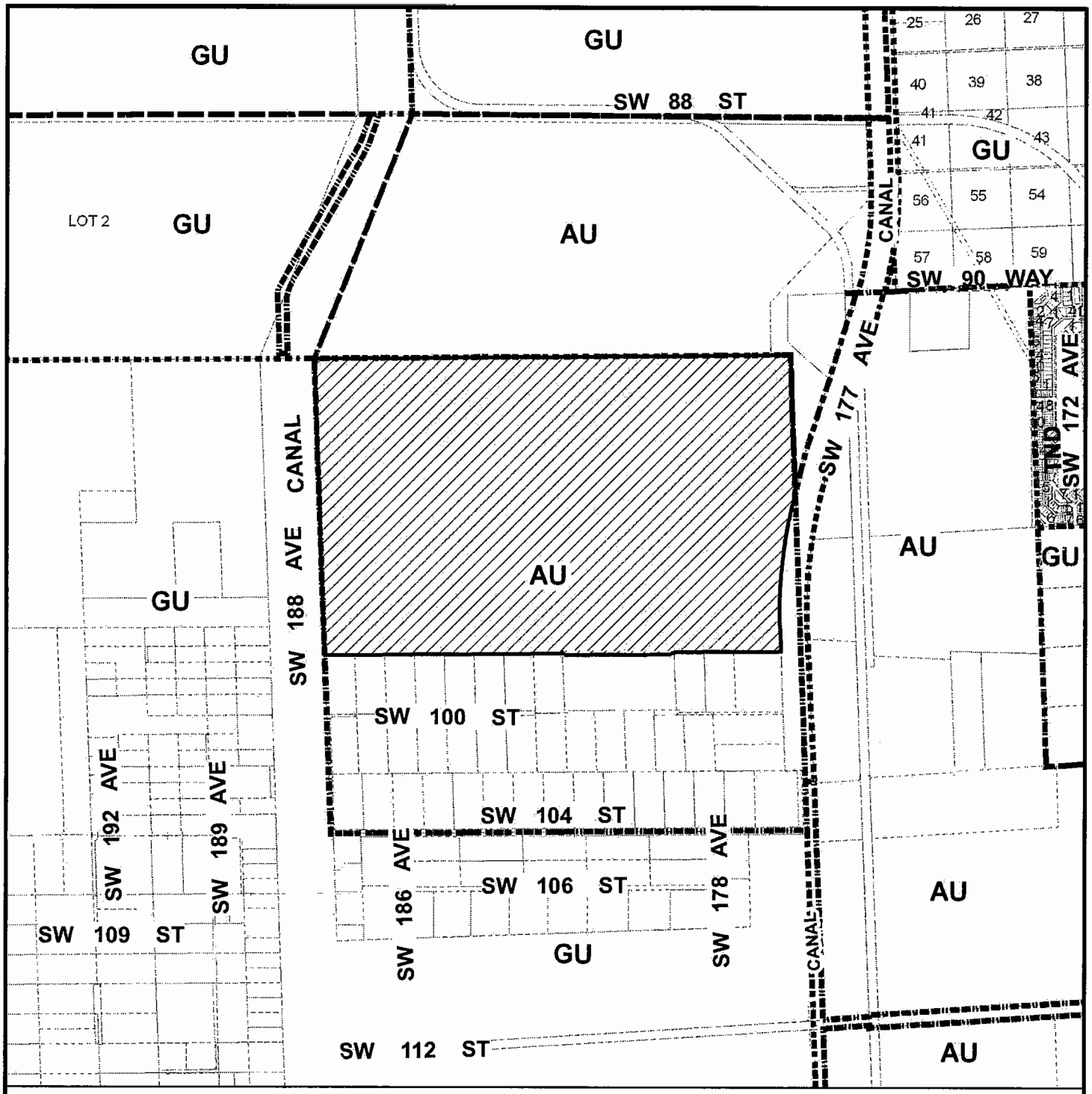



# MIAMI-DADE COUNTY
## HEARING MAP

**Process Number**

**09-176**

**Section: 01 Township: 55 Range: 38**
**Applicant: SANTA FE HACIENDAS LLC**
**Zoning Board: C11**
**Commission District: 11**
**Drafter ID: JEFFER**
**Scale: NTS**

N W E S

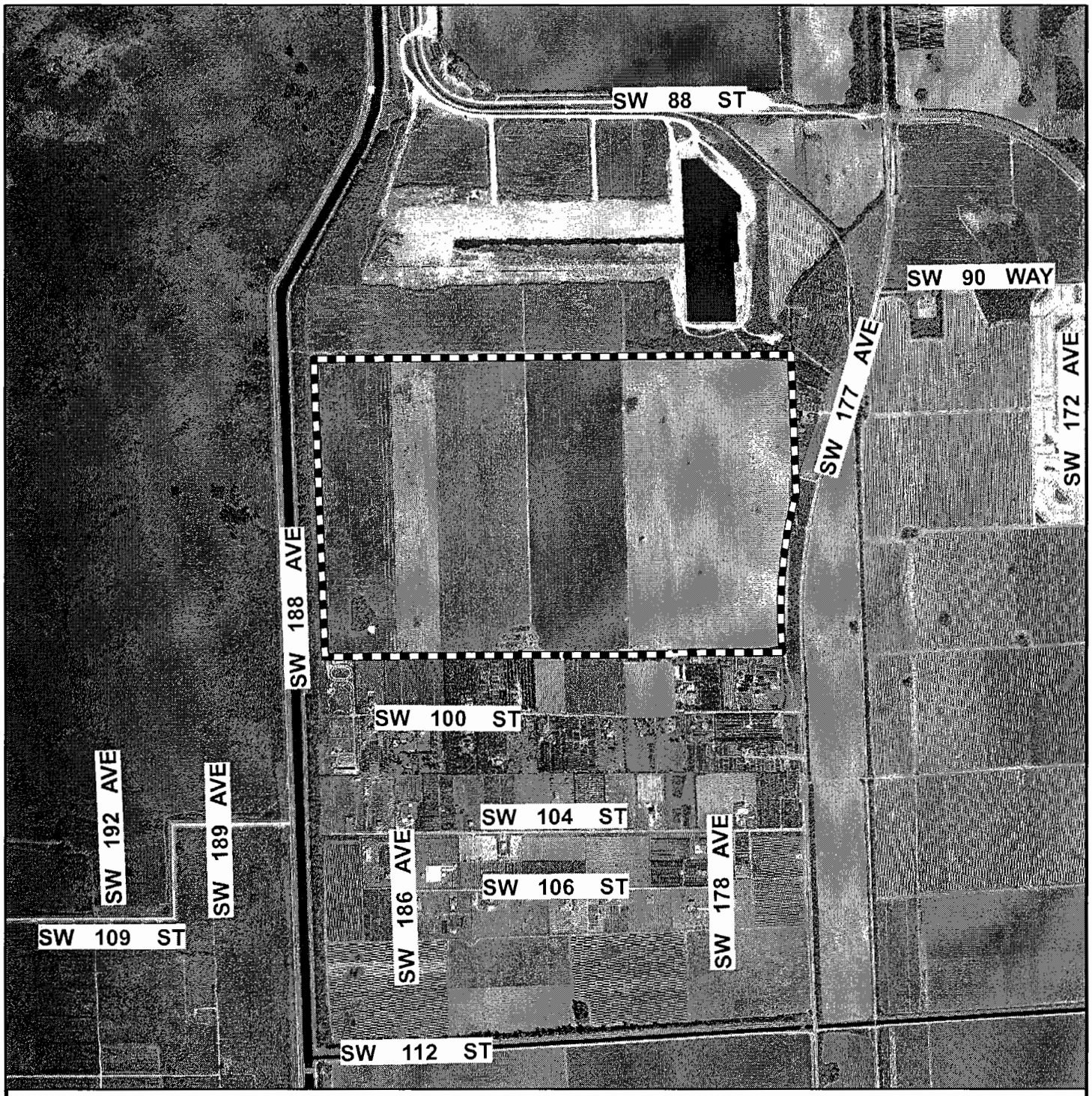
SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

| REVISION | DATE | BY |
|---|---|---|
| Revised Legal | 10/09/10 | Jgurd |

26




# MIAMI-DADE COUNTY

**AERIAL YEAR 2009**

**Process Number**

**09-176**

**Section: 01 Township: 55 Range: 38**
**Applicant: SANTA FE HACIENDAS LLC**
**Zoning Board: C11**
**Commission District: 11**
**Drafter ID: JEFFER**
**Scale: NTS**

N W E S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

| REVISION | DATE | BY |
|---|---|---|
| Revised Legal | 10/09/10 | Jgurd |

**3. ASPIRA OF FLORIDA, INC.**
**(Applicant)**

**11-3-CC-3 (10-030)**
**BCC/District 09**
**Hearing Date: 03/17/11**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

**Previous Zoning Hearings on the Property:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1955 | Lyle T. Pritchard | - Zone change from AU to BU-1A. | ZAB | Denied |
| 1955 | Lyle T. Pritchard | - Zone change from AU to BU-1A. | BCC | Approved w/conds. |
| 1967 | Marvin Schild, ET AL | - Modify Resolution. | BCC | Approved w/conds. |
| 1976 | Marvin Schild, ET AL | - To permit the sales of beer & wine. | C04 | Approved |
| 1986 | Ralph Laughridge | - Use Variance to permit a motel.<br>- Non-Use Variance for setbacks.<br>- Parking. | C04 | Approved w/conds. |
| 1988 | Falcon Motors Inn, Inc. | - Non-Use Variance sign regulations. | C04 | Approved w/conds. |
| 2007 | Aspira of South Florida | - Special Exception to permit charter school.<br>- Non-Use Variance for lot area.<br>- Lot Coverage.<br>- Setbacks. | BCC | Approved w/conds. |

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 17, 2011

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee
Executive Council

**Subject:** Developmental Impact Committee Recommendation

---

**APPLICANT:** Aspira of Florida, Inc. (Z10-030)

**SUMMARY OF REQUESTS:**

The applicant is requesting a Modification of a previously approved Resolution and Declaration of Restrictions in order to submit revised plans, request an increase in the number of students permitted in Phase I from 300 to 400 students, limit the enrollment permitted in Phase II to a maximum of 200 additional students, for a total maximum enrollment of 600 students, request an extension of time for a previously approved modular building and request a non-use variance to permit an interior side (north) setback of 29'1" (29'4" previously approved, 50' required).

**LOCATION:** 13330 SW 288 Street, Miami-Dade County, Florida.

**COMMENTS:**

This application went before the Developmental Impact Committee on February 9, 2011 because the applicant is requesting to modify a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

**DIC RECOMMENDATION:**

**Approval with conditions,** subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

In addition, as part of the motion, the Executive Council added the following condition:

- That bicycle racks be provided on the subject property.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions and the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z10-30
ASPIRA OF FLORIDA, INC.,

Respectfully Submited,

DIC Executive Council
February 09, 2011

| | |
|---|---|
| Susanne M. Torriente<br>Assistant County Manager | AYE |
| Manny C. Mena, Division Fire Chief<br>Miami-Dade Fire Rescue Department | AYE |
| Irma San Roman, Deputy Director<br>Metropolitan Planning Organization Secretariat | AYE |
| Grisel M. Rodriguez, Assistant Director for Zoning<br>Department of Planning and Zoning | AYE |
| Esther Calas, P.E., Director<br>Public Works Department | Absent |
| Jose Gonzalez, P.E., Assistant Director<br>Department of Environmental Resources Mgmt | AYE |
| John W. Renfrow, P.E., Director<br>Miami-Dade Water and Sewer Department | Absent |

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE**

**APPLICANT:** Aspira of Florida, Inc. **PH:** Z10-030 (10-BCC)

**SECTION:** 2-57-39 **DIC DATE:** February 9, 2011

**COMMISSION DISTRICT:** 9

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## A. INTRODUCTION:

### o SUMMARY OF REQUESTS:

The applicant seeks to modify conditions of a previously approved Resolution along with paragraphs of the accompanying Declaration of Restrictions to allow for the extension of the time period for the use of a modular structure on the previously approved Charter School property, an increase in the amount of children in Phase I of the Charter School development, and limit the amount of children permitted in Phase II. Additionally, the applicant seeks to permit an existing building with a greater encroachment into the interior side (north) setback area than was previously approved.

### o REQUESTS:

(1) MODIFICATION of Condition #2 and #7 of Resolution Z-7-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That the use of the property shall be established and maintained substantially in accordance with the plan submitted with the application entitled "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be modified at public hearing on the application (the "Plan").

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of eight (8) sheets and dated stamped received October 26, 2010.

FROM: "7. That the modular structure be removed from the property upon completion of the 2-story educational facility structure and the retrofitting of the existing buildings or prior to the beginning of the 2009 school year.

TO: "7. That the modular structure be removed from the property upon the completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first.."

(2) MODIFICATION of paragraphs Nos. 6 and 7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 as follows:

FROM: "6. Phase 1 of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year."

TO: "6. Phase 1 of the Charter School shall be limited to a maximum of 400 students. Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School."

FROM: "7. That the modular structure be removed from the property upon completion of the two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. That the modular structure be removed from the property upon completion of the two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

The purpose of the requests is to allow the applicant to submit a new site plan illustrating the relocation of one of the classroom buildings, to extend the time permitted for the use of the modular building and to increase the number of students permitted in Phase I of the Charter School.

(3) Applicant is requesting to permit an existing cafetorium building setback 29'-0" from the interior side (north) property line, (50' required, 29'-4" previously approved).

- **LOCATION:** 13330 SW 288 Street, Miami-Dade County, Florida.
- **SIZE:** 3.53 Acres

## B. ZONING HEARINGS HISTORY:

In April 2007, pursuant to Resolution #Z-7-07, the subject property was approved for a Special Exception to permit a charter school along with other requests for setback, lot coverage and lot area. Additionally, the applicant proffered a covenant that limited the use of modular structures on the property up until the 2010-2011 school year and the number of students per phase.

## C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately* ***1.4 miles north of and within the Urban Development Boundary Low Density Residential*** *use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category*

*is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*

2. ***Land Use Element Goal.*** *Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.*

3. ***Policy LU-4A.*** *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

4. ***Objective LU-5.*** *Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Plan.*

5. ***Educational Element Goal****. Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.*

6. ***Objective EDU-1.*** *Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective EDU-2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.*

7. ***Policy EDU-1A.*** *Cooperate with the Miami-Dade County Public School System in their efforts to continue to provide new student stations through the Capital Outlay program, in so far as funding is available.*

8. ***Policy EDU-1C.*** *Cooperate with the Miami-Dade County Public School System in their efforts to develop and implement alternative educational facilities such as primary learning centers which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.*

9. ***Residential Communities.*** *Also permitted in Residential Communities are neighborhood and community services including* ***schools****, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.*

10. ***Policy LU-9B.*** *Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:*

    *i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;*
    *viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by the development. The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.*

11. ***Uses and Zoning Not Specifically Depicted on the LUP Map.*** *Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.*

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| GU; charter school | Low Density Residential, 2.5 to 6 dua |
| **Surrounding Properties:** | |
| **NORTH:** GU; gas station<br>RU-1: trailer park | Low Density Residential, 2.5 to 6 dua |
| **SOUTH:** RU-3M; condominiums, rental apartments | Low-Medium Density Residential, 6 to13 dua |
| **EAST:** AU; Homestead Airbase | Institutions, Utilities and Communications |
| **WEST:** GU; shopping center | Low Density Residential, 2.5 to 6 dua |

## E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

***Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.*** *Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the*

*community. No showing of unnecessary hardship to the land is required.*

***33-311(A)(7) Generalized Modification Standards.*** *The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

***Section 33-314 Direct applications and appeals to the County Commission***

*(C) The County Commission shall have jurisdiction to directly hear other applications as follows:*

*(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311 (A)(3) of this code.*

*(13) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.*

***Section 33-153 Public hearing required in all districts.***

*The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.*

## F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

| | |
|---|---|
| DERM | **No objection*** |
| Public Works | **No objection*** |
| Aviation | **No objection** |
| MDWASD | **No objection*** |
| Parks | **No comment** |
| MDT | **No comment** |
| Fire Rescue | **No objection** |
| Police | **No objection** |
| Schools | **No comment** |

*Subject to conditions.

## G. PLANNING AND ZONING ANALYSIS:

This application is being heard by the Board of County Commissioners pursuant to Section 33-314 of the Code of Miami-Dade County which states the County Commission shall have jurisdiction to directly hear applications for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

The subject property is designated **Low Density Residential** Use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The CDMP indicates that other uses permitted in residential communities are neighborhood and community services including **schools** only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Additionally, existing uses and zoning classifications are not specifically depicted on the LUP map; however; all existing lawful uses and zoning are deemed to be consistent with the CDMP. Staff notes that the existing charter school was previously approved with conditions pursuant to Resolution No. Z-7-07, at which time the applicant proffered a covenant, which among other things, limited the use of the modular structure to the beginning of school year 2010-2011. Approval of the modification of conditions of a resolution (request #1) and of paragraphs of an accompanying Declaration of Restrictions (request #2), would allow for; (a) the extension of the time period for the use of a modular structure on the previously approved charter school property; (b) increase the maximum amount of children allowed during Phase I of the development of the Charter School from 300 to 400 and (c) limit the maximum amount of children allowed in Phase II, to keep the total number of children at the school at 600. The proposed extension would allow the applicant to continue to provide additional solutions to school overcrowding (Objective EDU-1) and an operational alternative which mitigates the impacts of overcrowding, while maintaining the instructional integrity of the educational program (Policy EDU-1C). Notwithstanding, Policy LU-4A of the CDMP's interpretative text states that when evaluating compatibility among proximate uses, the County shall consider, among other things, such factors as traffic, noise, access, and hours of operation. Staff is of the opinion that approval of the applicant's request for an extension of the time for the use of the modular building and an increase in the amount of children allowed in Phase I of the Charter School development will not have a negative visual and aural effect on the surrounding properties. As such, staff is of the opinion that approval of the application will be **compatible** with the area and **consistent** with the LUP map of the CDMP.

When requests #1 and #2 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modifications will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Additionally, staff notes that the applicant has stated in their Letter of Intent that the extension of time and the increase in the number of children in Phase 1 from 300 to 400 will not intensify the use of the subject property by expanding the number of grades or the total number of students previously approved, pursuant to Resolution No. Z-7-07. Staff acknowledges that DERM, the Public Works, Miami-Dade Fire-Rescue, Water and Sewer and Miami-Dade Transit Departments do not object to the application and based on their memoranda pertaining to this application, staff

opines that approval of these requests will not unduly burden the services provided by the County in this area. In addition, the site plans submitted by the applicant depict a proposed continuous row of trees, 18' tall at time of planting along the front (south), interior sides (north and west) and side (east) property lines which staff opines will be sufficient to mitigate any negative visual impact the modular structure or the encroachment of the classroom buildings will have on the surrounding area and in particular, the completed apartment buildings located to the south of the subject property. Further, staff opines that the parking, drives and playground for the school are oriented to the north and center of the property, away from the residential uses located to the south and as such, will not have a negative aural impact on said residential developments located to the south. Staff, therefore, opines that the approval of the applicant's requests would not have a protracted negative visual or aural impact on the recently developed residential developments to the south and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7), Generalized Modification Standards.

When request #3, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff notes that the cafetorium building was previously approved, pursuant to Resolution #Z-7-07, setback 29' 4" from the interior side (north) property line and as such, the requested additional 4" encroachment into said setback area is minimal and would not have a negative visual impact on the surrounding area. Further, in addition to the aforementioned approval for a setback encroachment, the subject property was also approved for variances of 14' 10" and 15' 1" (50' required for both) along the interior side (west) and side (east) property lines in said Resolution in April 2007. The applicant's letter of intent indicates that the purpose of this request is to accommodate a slight shift in the building due to the location of an existing water main and its easement. As such, staff opines that approval of the applicant's request for a 29' setback along the interior side (north) property line is not overly intensive and will not set a precedent for overly intensive variances of the setback requirements. Therefore, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

Based on the aforementioned, staff maintains that approval of the modifications (request #1 and #2) to allow the extension of time for the use of the modular building up until the 2013-2014 year as requested and to increase the number of children in Phase 1 of the development, along with the increased setback encroachment (request #3), would be **consistent** with the LUP map of the CDMP and **compatible** with the surrounding area. Accordingly, staff recommends approval of requests #1 and #2 under Section 33-311(A)(7) and approval with conditions of request #3 under Section 33-311(A)(4)(b) NUV Standards.

## H. RECOMMENDATION:

Approval with conditions.

## I. CONDITIONS:

1. That all the conditions of Resolution #Z-7-07 remain in full force and effect except as herein modified.

2. That the applicant obtain a Certificate of Use (CU) from and promptly renew the same annually with the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

3. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

**DATE TYPED:** 08/11/10
**DATE REVISED:** 08/12/10, 08/17/10, 08/18/10, 01/19/11, 01/20/11, 01/27/11, 02/02/11
**DATE FINALIZED:** 02/02/11
MCL:GR:NN:JV:NC:CH

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN
J.V.
GR

# Memorandum

MIAMI-DADE COUNTY

**Date:** December 16, 2010

**To:** Jorge Vital
Educational Facilities Coordinator
Department of Planning and Zoning

**From:** Esther Calas, P.E., Director
Public Works Department

**Subject:** Recommendations for Aspira of Florida, Inc., Process No. Z2010000030

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Miami Dade County Public Works Department Traffic Engineering Division (TED) has no objections to this application provided the recommendations and comments, as indicated below, are adequately addressed in the related documentation, and found acceptable to TED.

TED has reviewed the Letter of Intent, dated 10/21/2010; the Survey, revised 04/20/2010; and the Declaration of Restrictions, recorded on 06/28/2007, in Record Book 25739, Pages 2913 – 2924, for the proposed facility located at 13330 SW 288 Street, and has the following recommendations and comments:

- Letter of Intent Comments:

  The applicant shall propose to modify the existing Declaration of Restrictions by including the following statement: "The applicant shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights-of-way onto the school site. Access to onsite loading facilities shall be open a minimum of 45 minutes prior to all arrival and dismissal time(s)."

- Project Requirements

  1. School speed zone flashing beacons and signs are required along SW 288 Street to supplement the existing 15 MPH School Speed Zone signs, and 15 MPH School Speed Zone signs and pavement markings are required along old Biscayne Drive on the south side of the site, as previously required.

  2. All off-site improvements shall be constructed prior to the school expansion.

Should you need additional information or clarification on this matter, please contact Mr. Jeff Cohen at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division
Tiffanie A. Pauline, Executive Director, Charter School Operations, MDCPS
Mohammed Mansuri, P.E., Public Works Land Development
Leandro Rodriguez, Public Works Land Development

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 16, 2010

**To:** Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

**Subject:** C-15 #Z2010000030-1st Revision
Aspira of Florida, Inc.
13330 S.W. 288th Street
Requesting Modification of a Condition
(GU) (3.53 Acres)
02-57-39

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
This application qualifies for No-Notice General Permit.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
Tree Removal Permit 2008-TREE-PER-00244 was issued for this property to Aspira of Florida Inc, on May 6, 2008. This permit expired on May 6, 2009, however the property passed a final inspection that was performed by DERM staff on October 13, 2009.

Please be advised that a Tree Removal Permit is required for the removal or relocation of any trees that have not been previously permitted. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History
DERM has found five (5) closed enforcement records for the subject property identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing preliminary notice.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case for failure to secure a Private Sanitary Sewers Operating Permit. A Uniform Civil Violation Notice (UCVN # 733159) was issued on 03/18/99 and the case was subsequently closed with the issuance of the permit on April 23, 1999.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case for failure to secure a Private Sanitary Sewers Operating Permit. A Uniform Civil Violation Notice (UCVN # 708071) was issued on February 16, 2000 and the case was subsequently closed with the issuance of the permit on March 14, 2000.

Falcon Motor Inn
DERM has file # PSO-365. There is record of a closed enforcement case relating to a pump out of service, and Warning Notice issued on August 22, 2005. A Uniform Civil Violation Notice (UCVN # 969662) was issued on September 27, 2005 for failure to comply with the Warning Notice and the case was subsequently placed in dormant status, due to the selling of the property. A new enforcement action was open citing the new property owner.

Falcon Motor Inn
DERM has file # PSO-365. A Notice of Violation was issued on May 11, 2005 for failure to submit a Sanitary Sewer Evaluation Survey (SSES). The case was closed with the submittal of the SSES and plans on January 26, 2007.
Falcon Motor Inn
DERM has file # PSO-365. A Notice of Violation was issued on December 10, 2004 for failure to secure a Private Sanitary Sewers Operating Permit. The case was closed with the issuance of the permit on March 31, 2005.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

# Memorandum

MIAMI-DADE COUNTY

**Date:** December 13, 2010

**To:** Marc C. LaFerrier, Director
Department of Planning & Zoning

**From:** Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

**Subject:** DIC 2010000030 – Aspira of Florida, Inc.
13330 SW 288 Street, Miami-Dade County, Florida
Revision No. 1

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According to the letter of intent dated March 18, 2010, the applicant is seeking to modify a Resolution and Declaration of Restrictions for the purpose of requesting an extension of time in connection with the use of an approved modular building for an existing Charter School.

On October 21, 2010, the applicant proffered an addendum to the letter of intent seeking to modify a Resolution and Declaration of Restrictions in order to increase the number of students permitted in Phase I and reduce the number of students permitted in Phase II of the subject Charter School. Additionally, the applicant is seeking a non-use variance of setback requirements in order to allow the Charter School to setback less than required from the northern property line.

The approval of the requests will allow the applicant to continue utilizing the modular building during the development of the previously approved Charter School facility and reconfigure the number of students for Phase I and II of the Charter School.

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to the application. According to the letter of intent dated October 21, 2010, the application will not expand the grade levels or increase the number of students. As such, there will be no impacts to capacity or levels of service that MDFR provides to that area of the County.

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the site plan entitled 'Aspira South Charter School' as prepared by Civica Architects, dated stamp received October 26, 2010.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

HL:ch

**Heredia, Carlos (MDFR)**

---

**From:** Bennett, Ron (MDFR)
**Sent:** Monday, December 13, 2010 11:08 AM
**To:** Heredia, Carlos (MDFR)
**Subject:** RE: DIC 10-30

No objection to the site plan that is date stamped October 26, 2010.


**R.J. Bennett, FSS2**
Miami-Dade Fire Rescue Department
Fire Engineering and Water Supply Bureau
Telephone: (786) 315-2855
Fax: (786) 315-2922
*"Delivering Excellence Every Day"*


---

**From:** Heredia, Carlos (MDFR)
**Sent:** Monday, December 13, 2010 10:52 AM
**To:** Bennett, Ron (MDFR)
**Subject:** DIC 10-30

Ron,

I would appreciate your help in reviewing DIC 10-30. The applicant submitted a revised letter of intent (which I would like for you to review) increasing the number of students and stating that the building was slightly shifted to accommodate a water line.

Please let me know if the current site plan is acceptable.

Thank you,


**Carlos Heredia**, Planning Section Supervisor
**Miami-Dade Fire Rescue Department**
**Planning Section**
9300 NW 41 Street, Doral, Florida 33178
786-331-4544 (Office)
305-322-9742 (Mobile)
786-331-5259 (Fax)
carlos.heredia@miamidade.gov
www.miamidade.gov/mdfr


*"Delivering Excellence Every Day"*
*"Always Ready, Proud to Serve"*

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 14, 2010

**To:** Marc C. LaFerrier, Director
Department of Planning & Zoning

**From:** José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

**Subject:** DIC Application #10-030
Aspira of Florida
DN-10-07-395

---

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #10-030, Aspira of Florida. The applicant is requesting a modification to a condition in a previously approved resolution and covenant. The subject property contains ± 3.53 acres and is located at 13330 SW 288 Street in Miami-Dade County, Florida.

Based on the available information, MDAD determined that the proposed use is compatible with operations from Homestead General Aviation Airport. Please be advised, however, that the applicant is required to contact Mr. Larry Ventura of Homestead Air Reserve Base (HARB) so he is notified of the requested modification to a condition in the previously approved resolution and covenant. Mr. Ventura may be reached at 305-224-7163 or at Lawrence.ventura@homestead.af.mil. Please note that MDAD does not have jurisdiction over Homestead Air Reserve Base.

C: S. Harman
Jorge Vital, DIC Coordinator, Department of Planning & Zoning

**DEPARTMENT OF THE AIR FORCE**
**AIR FORCE RESERVE COMMAND**

02 August 2010

Lawrence Ventura
Chief, Environmental Flight
482 MSG/CEV
29350 Westover Street, Bldg 232
Homestead ARB, FL 33039-1299

Mr. Marc C. LaFerrier, Director
Miami-Dade Department of Planning and Zoning
111 NW 1st Street, 12th Floor
Miami, FL 33128

Dear Mr. LaFerrier,

This letter is in response to the zoning application DIC #10-~~303~~ 30, Aspira of Florida. Aspira is seeking to modify a condition of their zoning approval in order to extend the use of a modular building an additional three years. The school is not proposing an expansion or any modification to its current operations.

Homestead Air Reserve Base (HARB) has no objections to the modification. However, HARB reminds the applicant that modular buildings are usually less insulated than standard construction. Accordingly, noise generated by HARB aviation activities may be distracting to the School's staff and students in the modular building. In addition, HARB has proposed a new Entry Control Complex near the current main gate. Although the exact date of construction is not know, it is scheduled to be implemented in the near future. Accordingly, their may be additional noise from local contruction for the Entry Control Complex.

If you have any additional questions or comments in regards to this letter, please feel free to contact me at (305) 224-7163.

Sincerely,

LAWRENCE VENTURA
Chief, Environmental Flight

cc: Leila Batties, Holland & Knight

**DATE:** 19-NOV-10

REVISION 2

# BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

ASPIRA OF FLORIDA, INC.,

**APPLICANT**

13330 S.W. 288 STREET, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2010000030

**HEARING NUMBER**

## HISTORY:

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT:

UPDATE ONLY

NEIGHBORHOOD COMPLIANCE ENFORCEMENT:
SEE PREVIOUS HISTORY - NO NEW OPEN OR CLOSED CASES

BUILDING ENFORCEMENT CASES:
UPDATE ONLY

OPEN (BLDG) CASES

A2009002003839 EXPIRED PERMIT

A Notice of Violation was issued on 08-16-2010. Case remains open pending compliance inspection.

CLOSED BUILDING CASES:

There are no new closed cases to report.

**OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:**

**REPORTER NAME:**

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 4, 2011

**To:** Franklin Gutierrez, Zoning Services Coordinator
Agenda Coordinator's Office

**From:** Pete Hassun, Zoning Serivices Inspector
Department of Planning and Zoning, Zoning Inspections

**Subject:** 10-030 Folio: 30-7902-003-0010 Aspira of Florida, Inc. 13330 SW 288 ST

---

Enforcement History:

This property has a current Renewable CU# 2010008801 with an expiration date of 09/30/2011 which is for Phase I allowing 300 students.

The memo on file dated 11/19/2010 Rev.#2 from the Buillding and Neighborhood Compliance department requires updating. A CVN# P001738 was issued on 12/16/2010 and posted on property on 01/21/2011 for an Expired Permit Case with a pending amount of $ 10,510.00.

There are also open civil violation notices on record. CVN# 708071 issued on 02/16/2000 from DERM with a pending amount of $ 485.00. And CVN# B114309 issued on 11/09/2010 from the Fire Department with a pending amount of $ 510.00.

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 9, 2010

**To:** Jorge Vital
DIC Coordinator
Department of Planning and Zoning

**From:** Maria Batista
Principal Planner
Miami-Dade Transit / Transit Planning Section

**Subject:** Review of DIC Project No. 10-030 (Aspira of Florida, Inc.)

---

The applicant is requesting a modification of a previously approved Resolution and Declaration of Restrictions in order to request an extension of time for a previously approved building. The subject property for this application is approximately 3.53 acres and is located at 13330 S.W. 288th Street in Miami-Dade County, Florida.

## Current Transit Service

There is direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Route 70 along SW 132nd Avenue and SW 288th Street. The service headways for this route (in minutes) are as follows:

**Metrobus Route Service Summary**
**Aspira of Florida, Inc.**

| Route(s) | Service Headways (in minutes) | | | | | | Proximity to Bus Route (miles) | Type of Service |
|---|---|---|---|---|---|---|---|---|
| | Peak (AM/PM) | Off-Peak (middays) | Evenings (after 8pm) | Overnight | Saturday | Sunday | | |
| 70 | 30 | 60 | 60 | N/A | 60 | 60 | 0.1 | L |

*Notes:* *L means Metrobus local service*
*F means Metrobus feeder service to Metrorail*
*E means Metrobus express or limited-stop service*

## Future Transportation/Transit Improvements

Currently, the 2011 Transportation Improvement Program (TIP) does not propose any improvements in the immediate vicinity of this project. The 2035 Long Range Transportation Plan (LRTP) also does not propose any improvements in the immediate vicinity of this project.

The draft 2010 ten-year Transit Development Plan (TDP) identifies in its 2020 Recommended Service Plan the following improvement/adjustment on the existing route serving the vicinity of the project:

Route 70: Truncate route at Southland Mall when Cutler Bay Circulator begins service

No new bus service is proposed in the immediate vicinity of this project within the 2020 Recommended Service Plan.

**MDT Comments/Recommendations**

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application site. Based on the information presented, MDT has no objections to this project.

**Concurrency**

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 22, 2010

**To:** Jorge Vital, DIC Coordinator
Department of Planning and Zoning

**Thru** Maria I. Nardi, Chief M.N.
Planning and Research Division

**From:** John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

**Subject:** Z10-030 Aspira of Florida, Inc. (Second Amended Letter of Intent 10/21/2010)

---

**Application Name:** Aspira of Florida, Inc.

**Project Location:** The site is located at 13330 SW 288th Street, Miami-Dade County. The site is currently used as a charter school for 600 students in grades K-8.

**Proposed Development:** The applicant has submitted an amended Letter of Intent dated 10/21/2010 requesting approval for an extension of time in connection with the use of an approved modular building, change in phasing for enrollment not to exceed 600 students and a non-use variance to shift the building location.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

Therefore, we have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 24, 2010

**To:** Jorge Vital, DIC Coordinator
Department of Planning and Zoning

**From:** Maria A. Valdes
Planning & Water Use Unit Supervisor

**Subject:** ASPIRA of Florida, Inc
DIC Application # Z2010000030

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Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** ASPIRA of Florida, Inc.

**Proposed Development:** The applicant is requesting an extension of time in connection with the use of an approved modular building until completion of the new two story educational facility depicted in Phase II of the Plan or prior to the beginning of the 2013-2014 school year, whichever comes first. Said school was previously approved by resolution No. Z-7-07. The school is approved for a total of six hundred (600) students for grades K-8 and a total of 49 teachers/staff. The school will have a total gross area of 48,430 square feet. The total water demand of the school is 5,812 gallons per day (gpd), based on new rates implemented on October 1, 2010. Please see the table below which describes the project total net increase of water demand.

| Total Water Demand | | |
|---|---|---|
| USE | Rate | Water Demand (gpd) |
| **Proposed Total School Square Footage = 48,430 sq.ft.** | 12gpd/100sq.ft. | 5,812 |
| • Two existing school buildings = 19,775 sq. ft.<br>• Existing Modular Building = 5,700 sq.ft.<br>**Total Existing Use Square Footage = 25,475 sq.ft.** | 12gpd/100sq.ft. | 3,057 |
| | **NET Increase** | **2,755** |

**Project Location:** The subject property is located at 13330 SW 288th Street, Miami-Dade County, Florida.

**Water:** The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. The source of water for this project is the Alexander Orr Water Treatment Plant. The plant is operating under a 20-year Water Use Permit issued by South Florida Water Management District on November 1, 2010. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Sewer**: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.
- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

Should you have any questions, please call me at (786) 552-8198.

29

# ASPIRA SOUTH CHARTER SCHOOL

13330 SW 288TH Street
Leisure City, FL 33033

APPLICANT:

ASPIRA OF FLORIDA, Inc.

4100 N.E. 2nd Avenue, Suite 302
Miami, FL 33137

DATE: OCT, 2010

ISSUE FOR: D.I.C. MODIFICATION TO 2007 APPROVAL

## INDEX OF DRAWINGS


ARCHITECTURAL

COVER

| | |
|---|---|
| A-0.1 | PROPOSED SITE PLAN |
| A-0.2 | TYPICAL PARKING DETAILS & DATA |
| A-1.0 | PROPOSED FIRST FLOOR PLAN |
| A-2.0 | PROPOSED SECOND FLOOR PLAN |
| A-3.0 | PROPOSED ELEVATIONS |
| LA-1 | PROPOSED LANDSCAPE PLAN |
| LA-2 | SPECIFICATION PLANT LIST |



ARCHITECT

CIVICA

tel: 305.593.9959 8323 NW 12th St. Suite No.208. Doral, Fl. 33126 fax: 305.593.9855


ASPIRA SOUTH

13330 SW 288TH Street
Leisure City, FL 33033

ASPIRA OF FLORIDA, Inc.
4100 N.E. 2nd Avenue, Suite 302
Miami, FL 33137

DATE: OCT, 2010

ISSUE FOR: D.I.C. MODIFICATION TO 2007 APPROVAL

Aspira


RECEIVED
210-30
OCT 26 2010
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY MC.

RECEIVED
Z10-30
OCT 26 2010
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

30

•PROPOSED USE: EDUCATIONAL — KAIRI ARTS (PUBLIC CHARTER SCHOOL)

•ZONING DISTRICT - GU (INTERIM DISTRICT)

NET LOT AREA: (EXISTING TO REMAIN) (INCLUDES PRIVATE ROAD)
+/- 3.53 Acres = 153,829.435 SQ.FT.

•LOT COVERAGE: (40% MAX ALLOWED)

Building Foot Print: EXIST. BLDGS 2,767 SQ.FT. NEW BLDGS 11,384 SQ.FT.

Proposed Open Covered Areas: ARCADES & CANOPIES 6,818 SQ.FT.

TOTAL COVER: 25,971 = (16.8775% Lot Cover)

•FLOOR AREA RATIO: (EXISTING + PROPOSED BLDG)

Total Provided: 33,556 SQ.FT. = (0.21 FAR)

• NUMBER of TREES REQ'D

REQUIRED 28 TREES PER ACRE; (3.53 x 28) + 19 Street Trees = 117.84 TREES

PROVIDED 131 TREES

• PARKING
REQUIRED..... 51 SPACES PROVIDED..... 73 SPACES

• BUILDING HEIGHTS

Allowed (High Point of Top of Roof / Ridge)..... 35'-0"
Provided..... 34'-4"

Top of Decorative Towers..... 42' + 6'

• SETBACKS GU-Zoning (Same as EU-2 & EU-1)

West (Side)..... (15'-0" Min Required)
Existing..... 15'-6"
New..... 14'-10"

North (Rear)..... (15'-0" Min Required)
Existing..... 25'-2"
New..... 24'-0"

East (Side)..... (25'-0" Min Required)
Existing..... 35'-1"
New..... 20'-0"

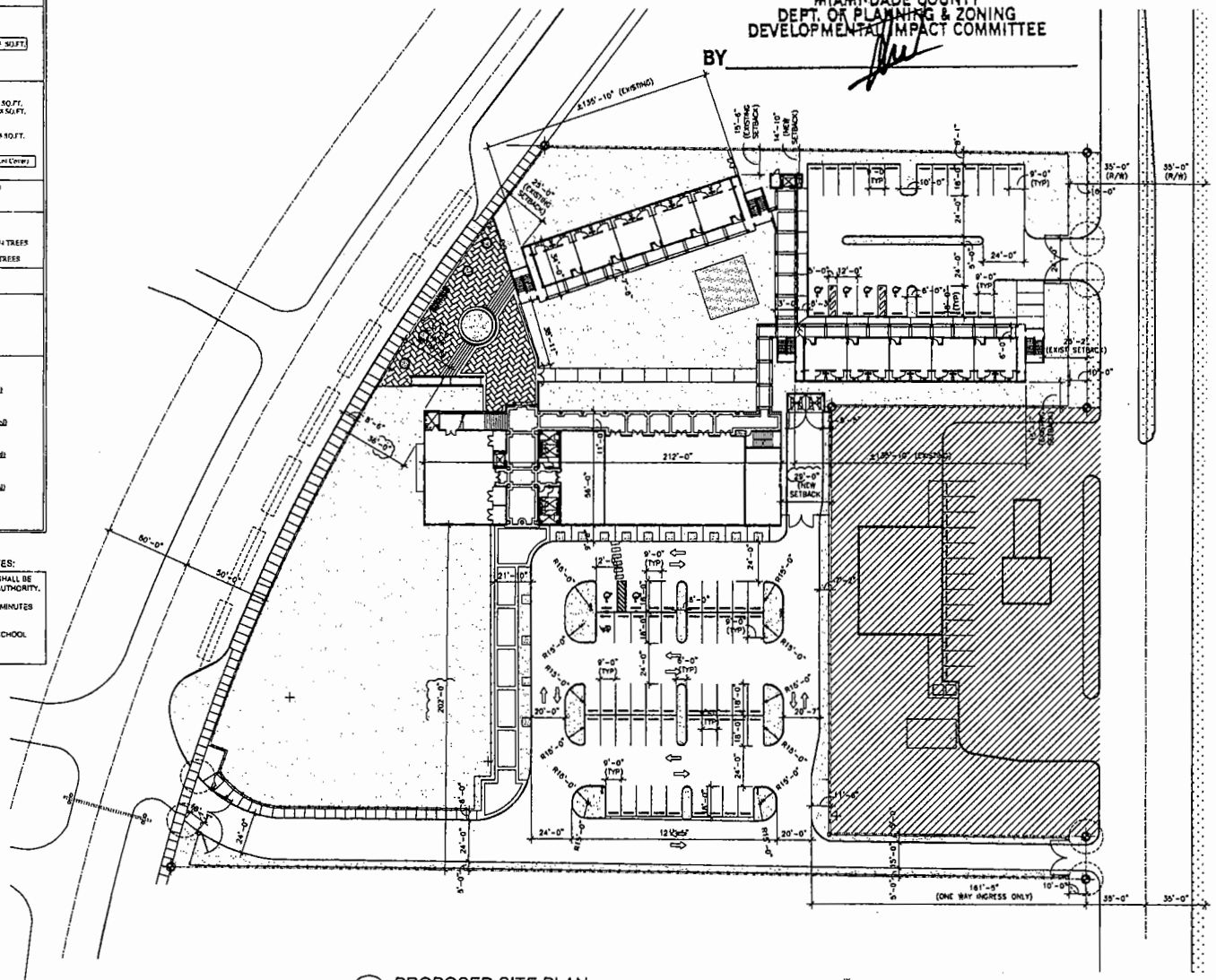
South (Front)..... (50'-0" Min Required)
Existing..... 32'-0"
New..... 31'-0"

MIAMI-DADE COUNTY TRAFFIC DEPARTMENT / GENERAL NOTES:

1). 15 MPH SCHOOL SPEED ZONE AND SPEED ZONE FLASHING SIGNALS SHALL BE PROVIDED BY MIAMI-DADE PUBLIC WORKS DEPARTMENT AND TRAFFIC AUTHORITY.

2). SCHOOL SHALL OPERATE ON A STAGGERED SHIFT WITH MINIMUM 30 MINUTES BETWEEN SHIFTS FOR ARRIVALS AND FOR DISMISSAL TIMES.

3). ALL FULL WIDTH, SCHOOL BUSES PROVIDED SHALL APPROACH THE SCHOOL FROM THE EAST ALONG SW 288th STREET.




1 A0.1 PROPOSED SITE PLAN
SCALE: 1" = 30'

CIVICA
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL

| No. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

DRAWN BY I.A.F. | APPROVED BY I.A.F.
DATE 2010 | SCALE: AS SHOWN

SEAL/SIGNATURE
ROLANDO LLANES, AIA
AR - 0013186

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SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
A-0.1

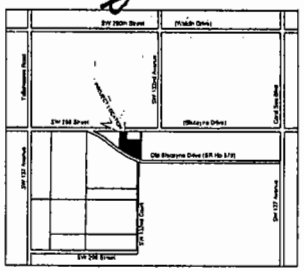
RECEIVED
Z10-30
OCT 2 6 2010
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

CIVICA
[illegible] NW 12th St. Suite 200
Doral, FL 33126
tel: 305.693.9969

ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL



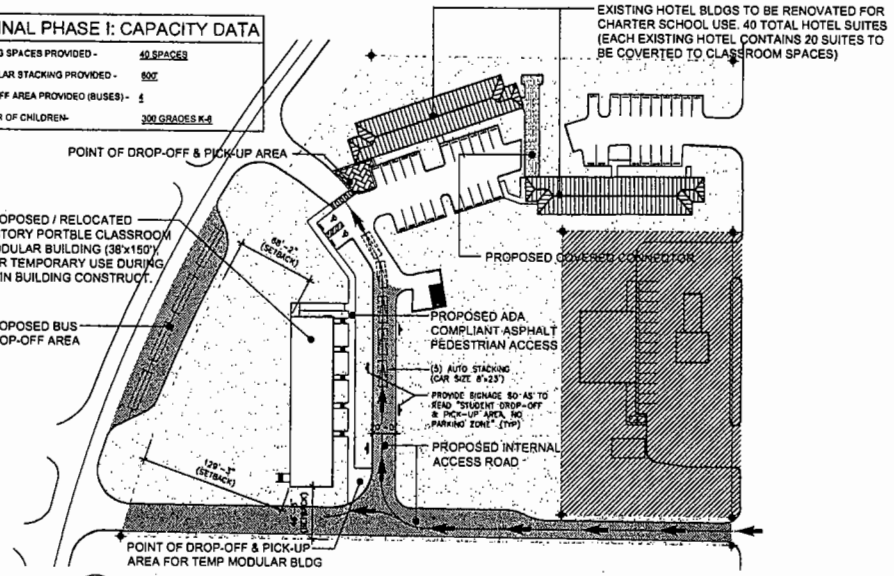

LOCATION MAP
SCALE: N.T.S.

| No. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

DRAWN BY I.A.F. | APPROVED BY I.A.F.
DATE 2010 | SCALE: AS SHOWN

## ORIGINAL PHASE I: CAPACITY DATA

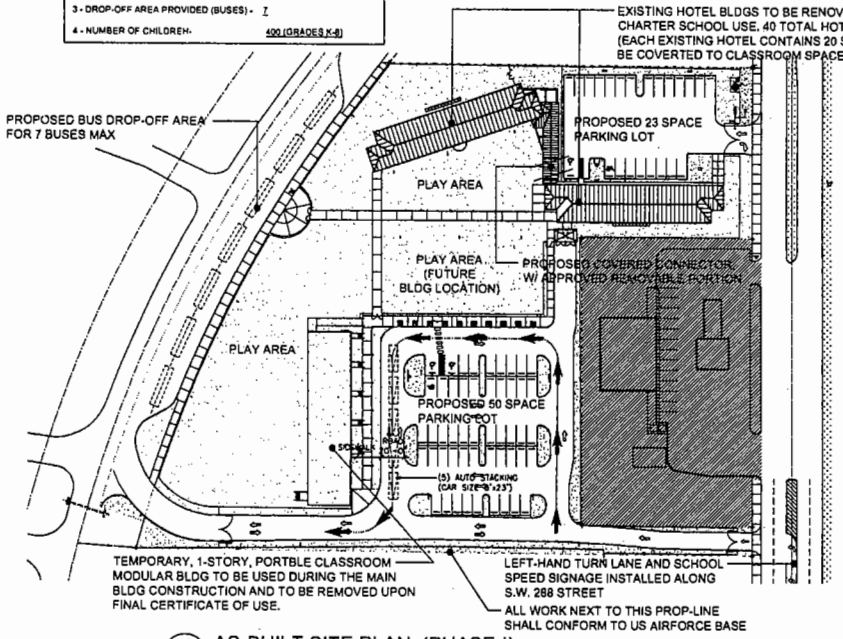
| | |
|---|---|
| 1 - PARKING SPACES PROVIDED - | 40 SPACES |
| 2 - VEHICULAR STACKING PROVIDED - | 600' |
| 3 - DROP-OFF AREA PROVIDED (BUSES) - | 4 |
| 4 - NUMBER OF CHILDREN- | 300 GRADES K-8 |




1 A0.1A PROPOSED SITE PLAN: (PHASE-I) ORIGINAL APPROVAL
SCALE: 1" = 600'

## AS-BUILT PHASE I: CAPACITY DATA

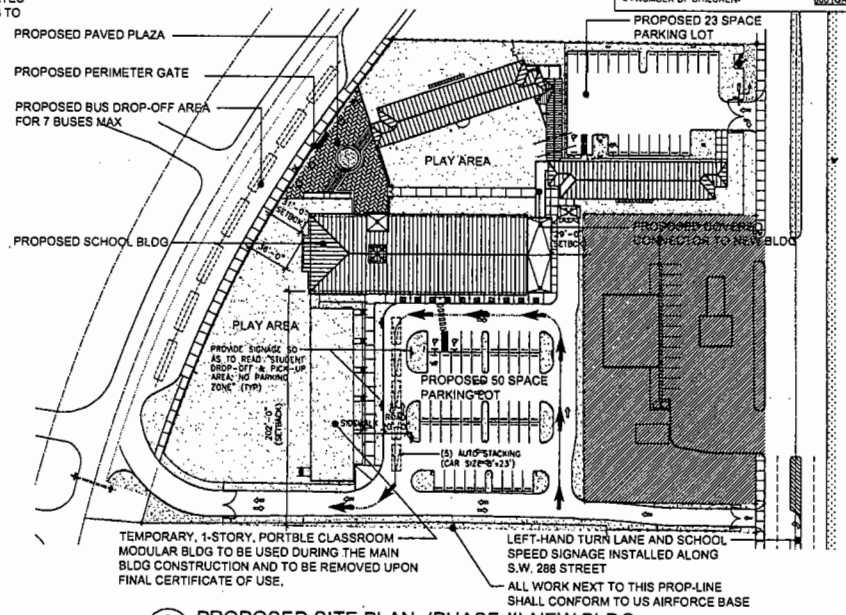
| | |
|---|---|
| 1 - PARKING SPACES PROVIDED - | 73 SPACES |
| 2 - VEHICULAR STACKING PROVIDED - | 436' |
| 3 - DROP-OFF AREA PROVIDED (BUSES) - | 7 |
| 4 - NUMBER OF CHILDREN- | 400 (GRADES K-8) |




1A A0.1A AS-BUILT SITE PLAN: (PHASE-I)
SCALE: 1" = 600'

## PHASE II: CAPACITY DATA

| | |
|---|---|
| 1 - PARKING SPACES PROVIDED - | 73 SPACES |
| 2 - VEHICULAR STACKING PROVIDED - | 436' |
| 3 - DROP-OFF AREA PROVIDED (BUSES) - | 7 |
| 4 - NUMBER OF CHILDREN- | 600 (GRADES K-8) |




2 A0.1A PROPOSED SITE PLAN: (PHASE-II) NEW BLDG
SCALE: 1" = 600'

SEAL/SIGNATURE
10.18.10
ROLANDO LLANES, AIA
AR - 0013160

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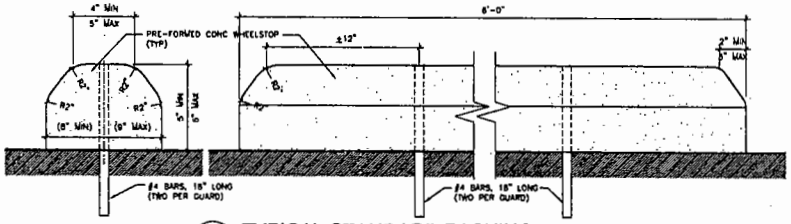
SHEET TITLE
PROPOSED PHASING PLAN

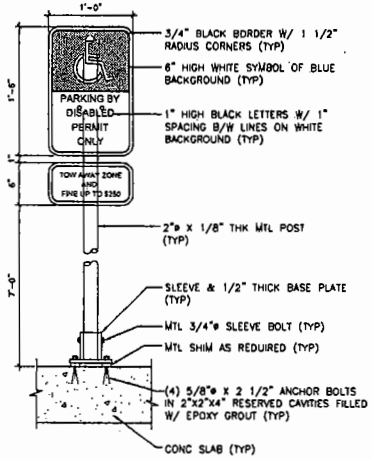
SHEET NUMBER
A-0.1A

32



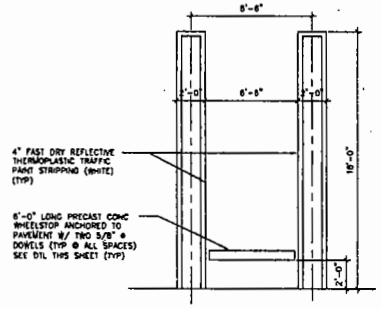

1 A-0.2 TYPICAL STANDARD PARKING STALL

SCALE: 3"=1'-0"



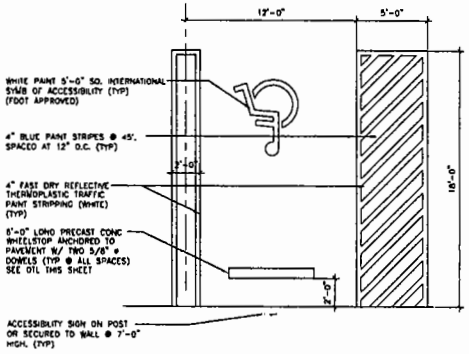

3 A-0.2 TYPICAL ACCESSIBLE PARKING SIGNAGE

SCALE: 1 1/2"=1'-0"



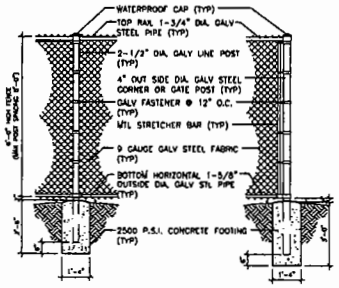

2 A-0.2 TYPICAL STANDARD PARKING STALL

SCALE: 1/4"=1'-0"




4 A-0.2 TYPICAL ACCESSIBLE STANDARD PARKING STALL

SCALE: 1/4"=1'-0"




5 A-0.2 TYPICAL FENCE DETAIL

SCALE: 3/8" = 1'-0"

PARKING DATA FOR K-8th GRADE SCHOOL SITE: (PROPOSED 600 STUDENTS)

| Uses Proposed | No. of Classrooms | Classroom Area | No. of Students | No. of Teachers | No. of Assist | No. of Admin | Total Personnel |
|---|---|---|---|---|---|---|---|
| K-5th GRADES | 20 | 11,700 SQ.FT. | (420 Students) | 20 | 6 | 6 | 32 |
| 6th-8th GRADES | 9 | 6,283 SQ.FT. | (180 Students) | 9 | 4 | 4 | 17 |
| Grand Total | 29 | 17,983 SQ.FT. | 600 Students | 29 | 10 | 10 | 49 |

NOTE:
PARKING REQUIREMENTS BASED ON MIAMI-DADE COUNTY CODE OF ORDINANCES SECTION 33-124 FOR SCHOOL USE.

| Code Requirement | Parking Required | | Parking Provided |
|---|---|---|---|
| 1 Pkg per e.a. Staff | (32 Staff x 1 space) = 32 spaces | Total Parking Required for K-8: 32 + 22 = 54 Spaces | 73 |
| 1 Pkg per e.a. Staff plus 1/4 of staff | (17 Staff x 0.25 space) = 4.25 17+5= 22 spaces | | |
| Total Parking Required for K-8th Grade School: 32 + 22 = 54 Spaces Required | | | Total Parking Provided: 50 + 23 = 73 Spaces * |

* 4 Total Handicapped Spaces Provided
*19 Surplus Parking Spaces Provided for Visitor

MIAMI-DADE COUNTY TRAFFIC DEPARTMENT / GENERAL NOTES:

1). 15 MPH SCHOOL SPEED ZONE AND SPEED ZONE FLASHING SIGNALS SHALL BE PROVIDED BY MIAMI-DADE PUBLIC WORKS DEPARTMENT AND TRAFFIC AUTHORITY.

2). SCHOOL SHALL OPERATE ON A STAGGERED SHIFT WITH MINIMUM 30 MINUTES BETWEEN SHIFTS FOR ARRIVALS AND FOR DISMISSAL TIMES.

3). ALL FULL WIDTH, SCHOOL BUSES PROVIDED SHALL APPROACH THE SCHOOL FROM THE EAST ALONG SW 288th STREET.

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DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY


CIVICA
8323 NW 12th St, Suite 206
Doral, FL 33126
tel: 305.593.9969


ASPIRA SOUTH CHARTER SCHOOL
13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:
Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

ISSUED FOR:
DIC SUBMITTAL

| No. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

| DRAWN BY | APPROVED BY |
|---|---|
| LAF. | LAF. |
| DATE | SCALE: |
| 2010 | AS SHOWN |

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ROLANDO LLANES, AIA
AR - 0012160


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SHEET TITLE
SITE PARKING DETAILS

SHEET NUMBER
A-0.2

APPROVED LANDSCAPING MATERIAL (TYP)

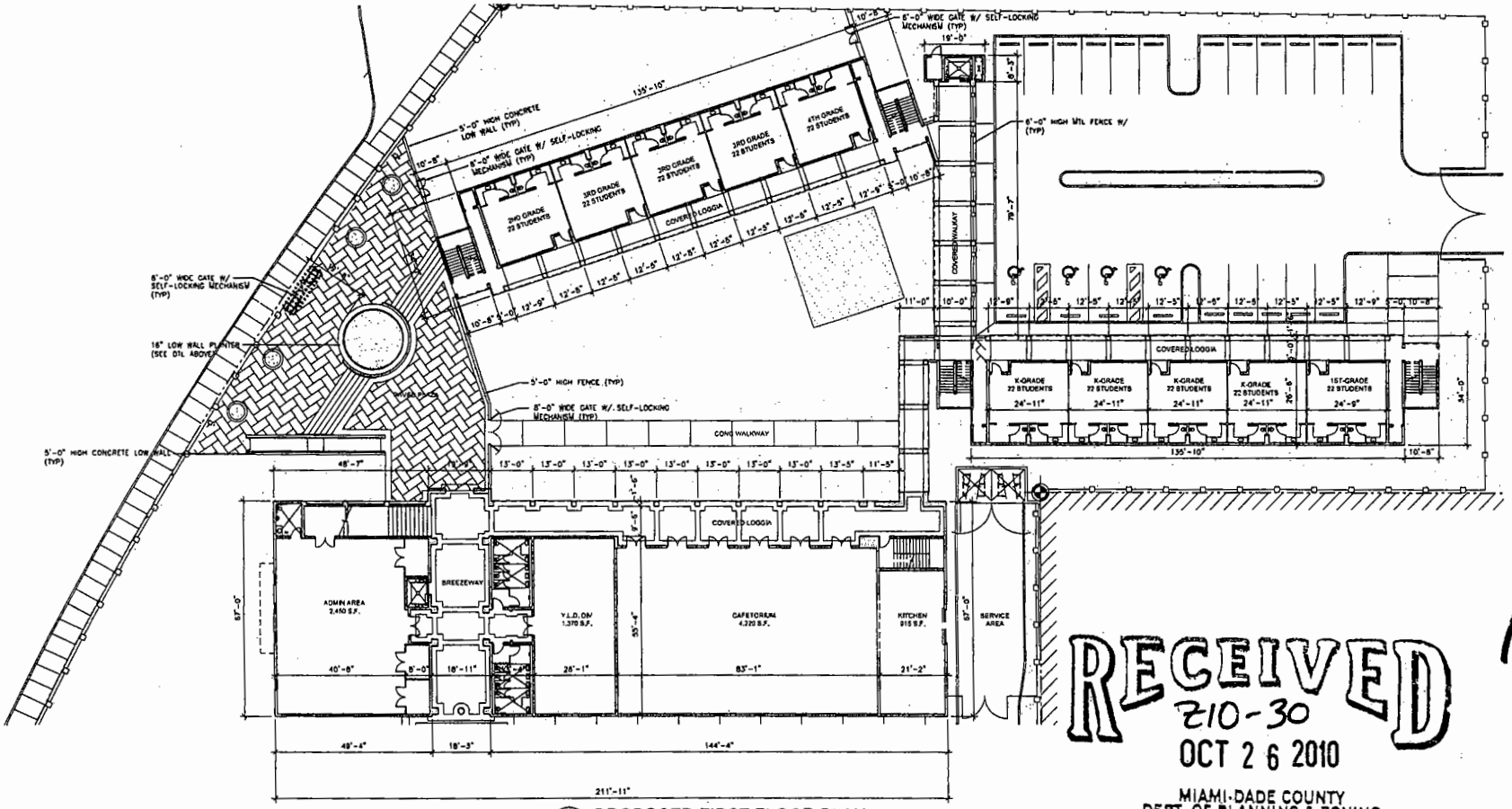
LOW DECORATIVE PLANTER WALL (TYP)

PROPOSED PEDESTRIAN PLAZA W/ BRICK OR CONCRETE FINISH (TYP)

PROPOSED LOW WALL PLANTER FEATURE

15" HIGH (18" MAX)

PROPOSED LOW WALL PLANTER FEATURE




1 A1.0 PROPOSED FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

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APPROVED BY: I.A.F.
DATE: 2010
SCALE: AS SHOWN

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ROLANDO LLANES, AIA
AR - 0013180

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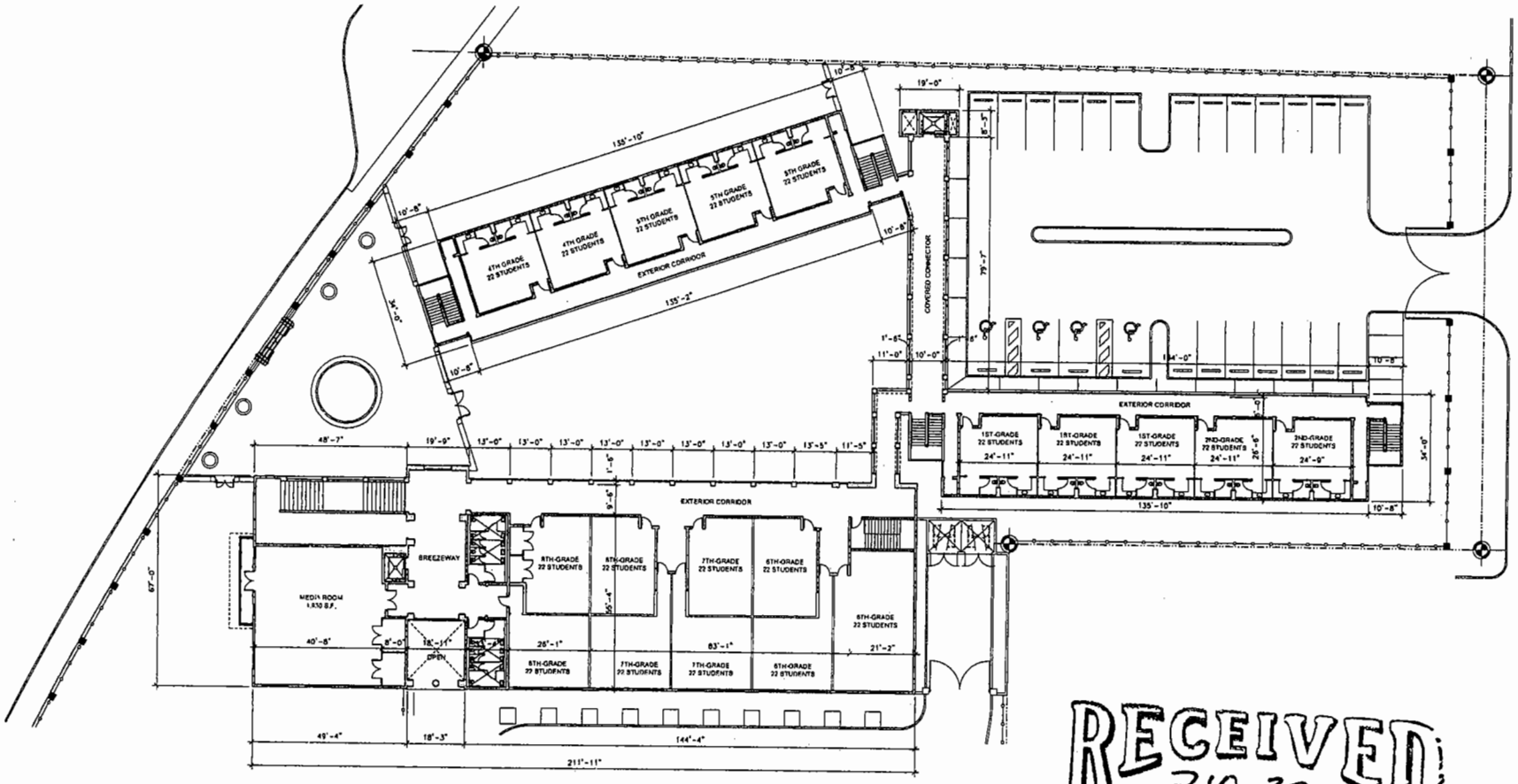
SHEET TITLE

PROPOSED FIRST FLOOR PLAN

SHEET NUMBER

A-1.0

34




1 A2.0 PROPOSED SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"

RECEIVED
Z10-30
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MIAMI-DADE COUNTY
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8323 NW 12th St, Suite 206
Doral, FL 33126
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ASPIRA SOUTH CHARTER SCHOOL

13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:

Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
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MIAMI, FL. 33137

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| I.A.F. | I.A.F. |
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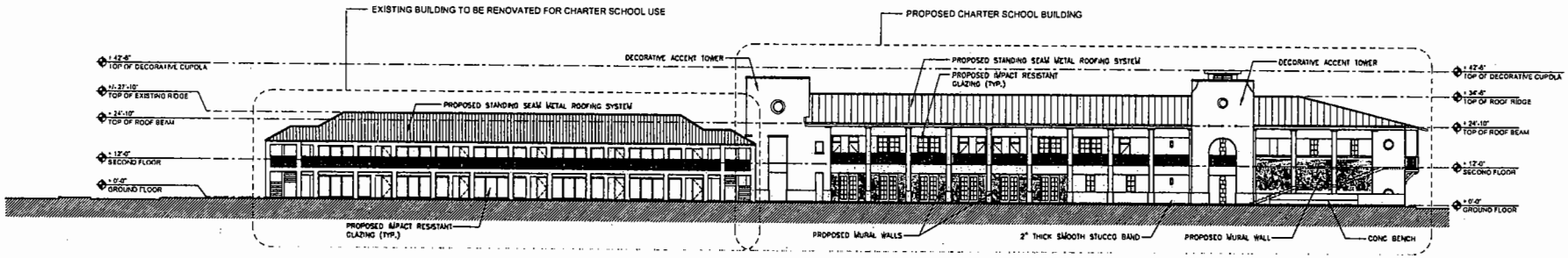
SHEET TITLE

PROPOSED SECOND FLOOR PLAN

SHEET NUMBER

A-2.0

35



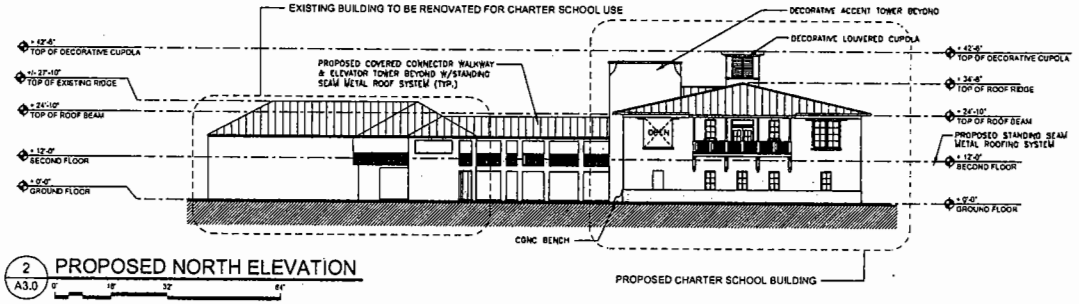

1 A3.0 PROPOSED WEST ELEVATION

0' 16' 32' 64'

SCALE: 1/16" = 1'-0"

ELEVATION NOTE:

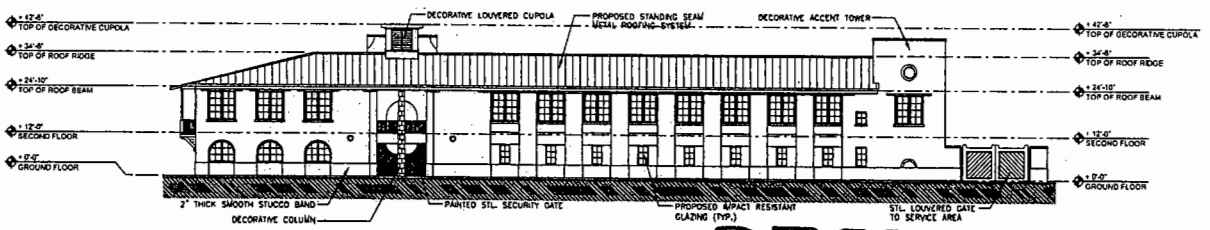
ALL ROOF DECORATIVE LANTERNS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 35'-0" HEIGHT RESTRICTIONS AS PER SEC 33-55(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)




2 A3.0 PROPOSED NORTH ELEVATION

0' 16' 32' 64'

SCALE: 1/16" = 1'-0"




3 A3.0 PROPOSED EAST ELEVATION

0' 16' 32' 64'

SCALE: 1/16" = 1'-0"

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ASPIRA SOUTH CHARTER SCHOOL

13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:

Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

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ROLANDO LLANES, AIA
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SHEET TITLE

PROPOSED ELEVATIONS

SHEET NUMBER

A-3.0

36

PLANTING NOTE: SECT 18A-6 (H)

PROVIDE SHRUBS BETWEEN ADJACENT PROPERTIES. (WHERE CHAIN LINK FENCING IS USED), WIDTH A MINIMUM OF THIRTY (30") INCHES IN HEIGHT AT TIME OF PLANTING, AND SHALL BE PLANTED AT A MAXIMUM AVERAGE SPACING OF THIRTY-SIX (36) INCHES ON CENTER, OR A MINIMUM OF THIRTY-SIX (36") INCHES IN HEIGHT AT TIME OF PLANTING AND PLANTED AT A MAXIMUM AVERAGE SPACING OF FORTY-EIGHT (48") INCHES ON CENTER. SAID BUFFER SHALL FORM A CONTINUOUS SCREEN BETWEEN THE DISSIMILAR LAND USES [BETWEEN ADJACENT PROPERTY LINES] WITHIN ONE (1) YEAR AFTER PLANTING. ALSO PROVIDE TREE SPACING AT A MAXIMUM OF 35'-0" ON CENTER ALONG PROPERTY LINES.

## LANDSCAPE SITEPLAN PLANT LIST

### TREE TABLE

| SYMBOL | NO. | BOTANICAL NAME | COMMON NAME | NATIVE | DROUGHT TOLERANCE | NATURAL HEIGHT RANGE | SPECIFICATION |
|---|---|---|---|---|---|---|---|
| | 37 | Bucida buceras | Gumbo-Limbo | yes | yes | 40'-70' | 12' O.A. 5.5" DBH, 10' O.A. 5.5" DBH, W/B, W/STAKES |
| | 11 | Conocarpus erectus var. sericeus | Silver Buttonwood | yes | yes | 30'-50' | 12' O.A. 5.5" DBH, 10' O.A. 5.5" DBH, W/B, W/STAKES |
| | | Ficus microcarpa nitida | Green Buttonwood | yes | yes | 30'-50' | 12' O.A. 5.5" DBH, 10' O.A. 5.5" DBH, W/B, W/STAKES |
| | 24 | Delonix regia | Pink Trumpet | yes | yes | 30'-40' | 12' O.A. 5.5" DBH, 10' O.A. 5.5" DBH, W/B, W/STAKES |

### PALM TABLE

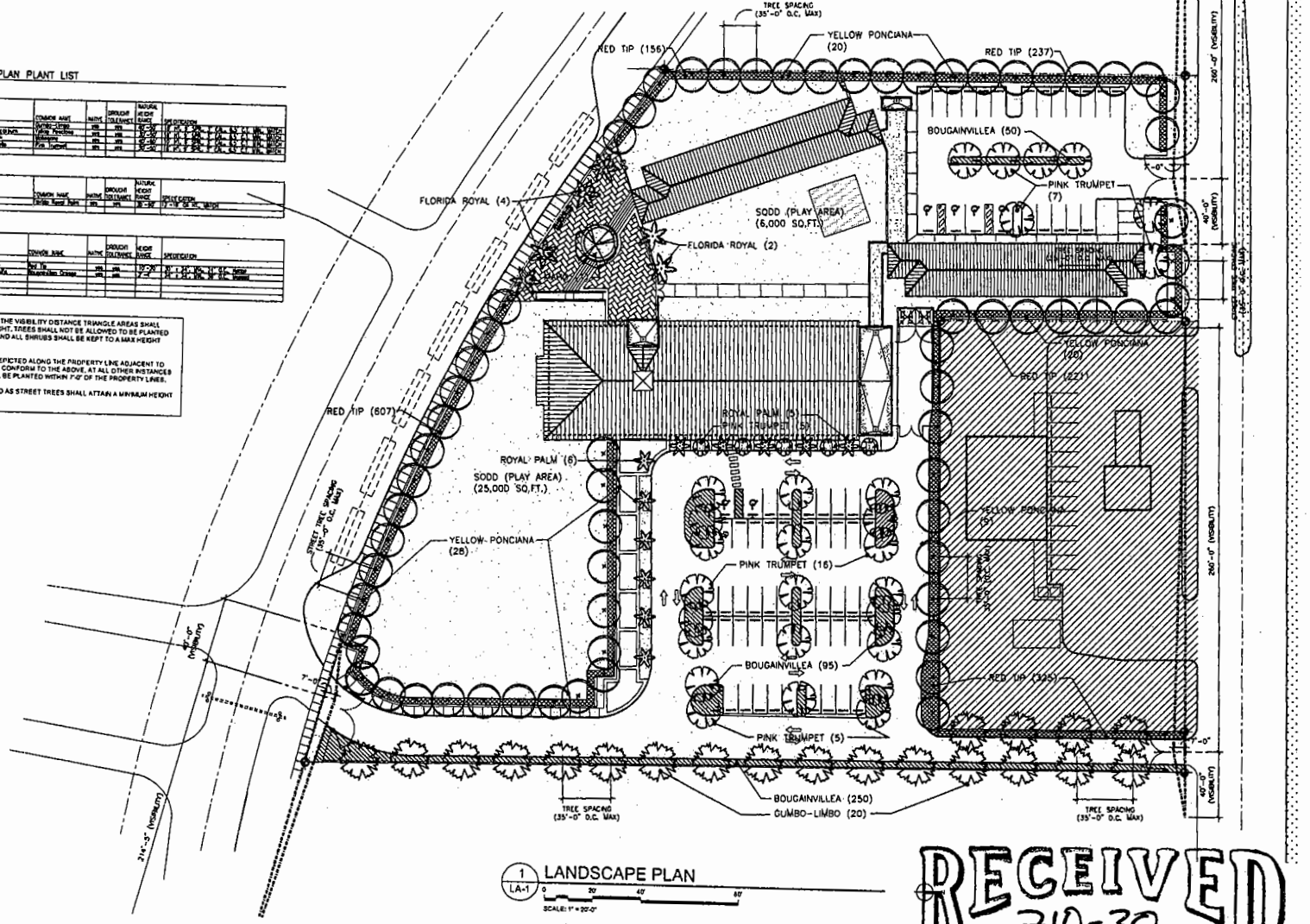
| SYMBOL | NO. | BOTANICAL NAME | COMMON NAME | NATIVE | DROUGHT TOLERANCE | NATURAL HEIGHT RANGE | SPECIFICATION |
|---|---|---|---|---|---|---|---|
| | 11 | Roystonea elata | Florida Royal Palm | yes | yes | 30'-50' | 12'-15' OA, W/B, W/STAKES |

### SHRUBS TABLE

| SYMBOL | NO. | BOTANICAL NAME | COMMON NAME | NATIVE | DROUGHT TOLERANCE | HEIGHT RANGE | SPECIFICATION |
|---|---|---|---|---|---|---|---|
| | 1,630 | Viminaria juncea | Red Tip | yes | yes | 10'-20' | 30" x 24" x 24", 1 gal. Hedge |
| | 1,500 | Macrozamia moorei MA | Australian Cycad | yes | yes | 2'-3' | 30" x 24" x 24", W/B, 30" O.A., Specimen |

LANDSCAPING NOTE:

1. ALL ELEMENTS WITHIN THE VISIBILITY DISTANCE TRIANGLE AREAS SHALL NOT EXCEED 30" IN HEIGHT. TREES SHALL NOT BE ALLOWED TO BE PLANTED WITHIN THESE AREAS, AND ALL SHRUBS SHALL BE KEPT TO A MAX HEIGHT OF 30".
2. ALL "STREET TREES" DEPICTED ALONG THE PROPERTY LINE ADJACENT TO RIGHT-OF-WAYS SHALL CONFORM TO THE ABOVE, AT ALL OTHER INSTANCES "STREET TREES" SHALL BE PLANTED WITHIN 7'-0" OF THE PROPERTY LINES.
3. ALL SPECIES PROVIDED AS STREET TREES SHALL ATTAIN A MINIMUM HEIGHT OF 12'-0"




1 LA-1 LANDSCAPE PLAN

SCALE: 1" = 20'-0"

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8323 NW 12th St. Suite 208
Doral, FL 33126
tel: 305.593.9959

ASPIRA SCHITH CHARTER SCHOOL

13330 SW 288th Street
Leisure City, FL 33033

APPLICANT:

Aspira of Florida, Inc.
4100 N.E. 2nd Avenue
Suite 302
MIAMI, FL. 33137

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| DRAWN BY | APPROVED BY |
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| I.A.F. | I.A.F. |
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ROLANDO LLANES, AIA
AR - 0015160

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SHEET TITLE

LANDSCAPE PLAN

SHEET NUMBER

LA-1

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DEVELOPMENTAL IMPACT COMMITTEE
BY

37

## LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

1.1 SCOPE [illegible]

1.2 SUBSTITUTIONS [illegible]

1.3 PLANT SIZES [illegible]

1.4 PLANT QUALITY [illegible]

1.5 PLANT QUANTITY [illegible]

1.6 UNIT PRICES [illegible]

1.7 INSPECTION CERTIFICATES [illegible]

1.8 GRADING [illegible]

CLEAN-UP [illegible]

1.10 MAINTENANCE [illegible]

1.11 OPERATIONS FOR ACCEPTANCE [illegible]

1.12 GUARANTEE [illegible]

1.13 REPLACEMENT [illegible]

PART 2 - MATERIALS

2.1 PLANTING SOIL [illegible]

2.2 FERTILIZER [illegible]

2.3 WATER [illegible]

2.4 MULCH [illegible]

3.0 PART 3 - INSTALLATION PROCEDURES

3.1 LAYOUT [illegible]

3.2 HERBICIDE TREATMENT [illegible]

3.3 PLANT PIT EXCAVATION AND BACKFILLING [illegible]

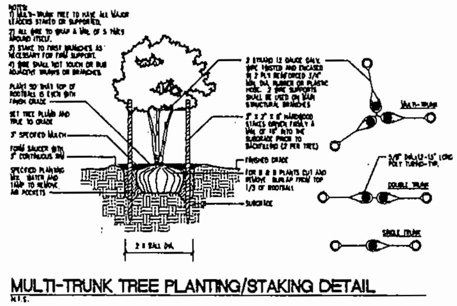
3.4 WATERING-IN [illegible]

3.6 FERTILIZING [illegible]

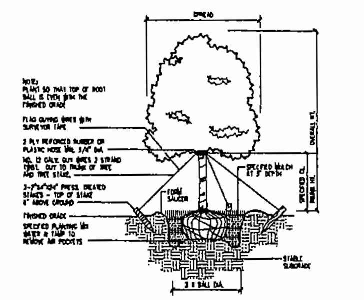
3.6 MULCHING [illegible]

3.7 GUYING & BRACING [illegible]

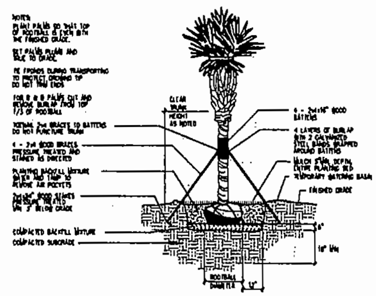
3.8 SODDING [illegible]



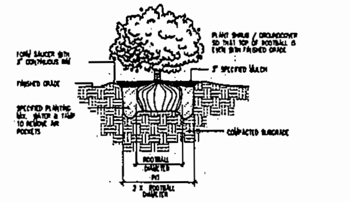
MULTI-TRUNK TREE PLANTING/STAKING DETAIL
N.T.S.



TREE PLANTING/STAKING DETAIL
N.T.S.



PALM PLANTING/STAKING DETAIL
N.T.S.



SHRUB/ GROUNDCOVER PLANTING DETAIL
N.T.S.

## LANDSCAPE LEGEND

Zoning District: GU (INTERIM DISTRICT) Net Lot Area 3.53 acres (153,879.43 Sq. Ft.)

| | REQUIRED | PROVIDED |
|---|---|---|
| **OPEN SPACE** | | |
| Square Feet of open space as required by Chapter 33, as indicated on site plan: Net Lot Area= 153,879.43 s.f. x 40% = 61,551.77 s.f. | 61,551.77 S.F. | 124,008.435 S.F. |
| Square Feet of parking open space required by Chapter 18A, as indicated on site plan: No. of Parking Spaces 74 spaces X 10 s.f. per parking space = 740 s.f. | 740 S.F. | 3,900 S.F. |
| Total s.f. of landscaped open space required by Chapter 33: A + B = s.f. | 62,292 S.F. | 127,908.435 S.F. |
| **LAWN AREA CALCULATION** | | |
| A. Total s.f. of landscaped open space required by Chapter 33 | 62,292 S.F. | 127,908.435 S.F. |
| B. Maximum lawn area (sod) permitted = 50% X 62,292 s.f. = 31,146 s.f. | 31,146 S.F. | 31,000 S.F. |
| **TREES** | | |
| A) No. of trees required per net lot acre. Less existing number of trees meeting minimum requirements = 28 trees X (3.53) net lot acres =98.84 | 99 | 106 |
| B) % Palms allowed: No. trees provided (99 trees)/2 x 30% = 14.85 | 15 Allowed Max | 15 |
| % Palms permitted to count as street trees on 1:1 basis x 50% = 0 | N/A | N/A |
| C) % Natives required: No. trees provided (99 trees) x 30% =29.7 | 30 | 127 |
| D) Street trees (maximum average spacing of 35' o.c.): 656' linear feet along street / 35' = 18.74 | 19 | 25 |
| E) Street trees located directly beneath power lines (max. average spacing of 25' o.c.): 0 linear feet along street / 25 = 0 | N/A | N/A |
| TOTAL TREES REQUIRED (A + D + E) | 118 | 131 |
| **SHRUBS** | | |
| No. of trees required (118 trees) x 10 = 1,180 shrubs required | 1,180 | 2,026 |
| No. of shrubs required (1,180 shrubs) x 30% = 354 native shrubs required | 354 | 2,026 |

SOD NOTES FOR REVIEWER:

SECTION 18A-6 A.(4): VERY DROUGHT TOLERANT GRASSES AND LOW GROWING NATIVE PLANTS, INCLUDING GRASSES AND FORBS, AS REFERENCED IN THE LANDSCAPE MANUAL, MAY BE USED AS GROUNDCOVER BEYOND THE MAXIMUM PERMITTED GRASS AREA SPECIFIED IN TABLE A.

SECTION 18A-6 C.(4): GRASSED AREAS THAT ARE TO BE USED FOR ORGANIZED SPORTS SUCH AS FOOTBALL AND SOCCER OR OTHER SIMILAR SPORTS OR PLAYGROUNDS, THAT ARE CLEARLY IDENTIFIED ON A LANDSCAPE PLAN SHALL NOT BE COUNTED TOWARD CALCULATING TREE REQUIREMENTS.

SOD
[illegible]

IRRIGATION
[illegible]

PLANTING NOTES:
[illegible]


CIVICA
8323 NW 12th St. Suite 206
Doral, FL 33126
tel: 305.593.9959

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APPLICANT:
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MIAMI, FL 33137


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| No. | DATE | REVISION | BY |
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DRAWN BY: I.A.F. APPROVED BY: I.A.F.
DATE: 2010 SCALE: AS SHOWN

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ROLANDO LLANES, AIA
AR-0013180

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SHEET TITLE
LANDSCAPE SPECIFICATIONS PLANT LIST

SHEET NUMBER
LA-2

## DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: **ASPIRA of Florida, Inc., a Florida non-profit corporation, 4100 N.E. 2nd Avenue, Suite 302 Miami, Florida 33137.**

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| Raul A. Martinez, President and CEO | No stock |
| Victor Vazquez-Hernandez, Chairperson Address: 4100 N.E. 2nd Avenue, Suite 302, Miami, Florida 33137 | No stock |
| Miream Sierra, Vice-Chairperson of Programs and Planning | No stock |
| Edward Hernandez, Secretary | No stock |
| Tulia Badillo, Treasurer | No stock |
| Ruth Pacheco, Vice Chair Fundraising | No stock |

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

| NAME AND ADDRESS | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percentage of Ownership |
|---|---|
| | |
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable) Percentage of

| | Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

_____

_____

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of f

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____

**Raul A. Martinez, President and CEO**

Sworn to and subscribed before me this 2ND day of APRIL, 2010. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

PAMELA JACKSON
MY COMMISSION # DD 927323
EXPIRES: December 17, 2013
Bonded Thru Notary Public Underwriters

My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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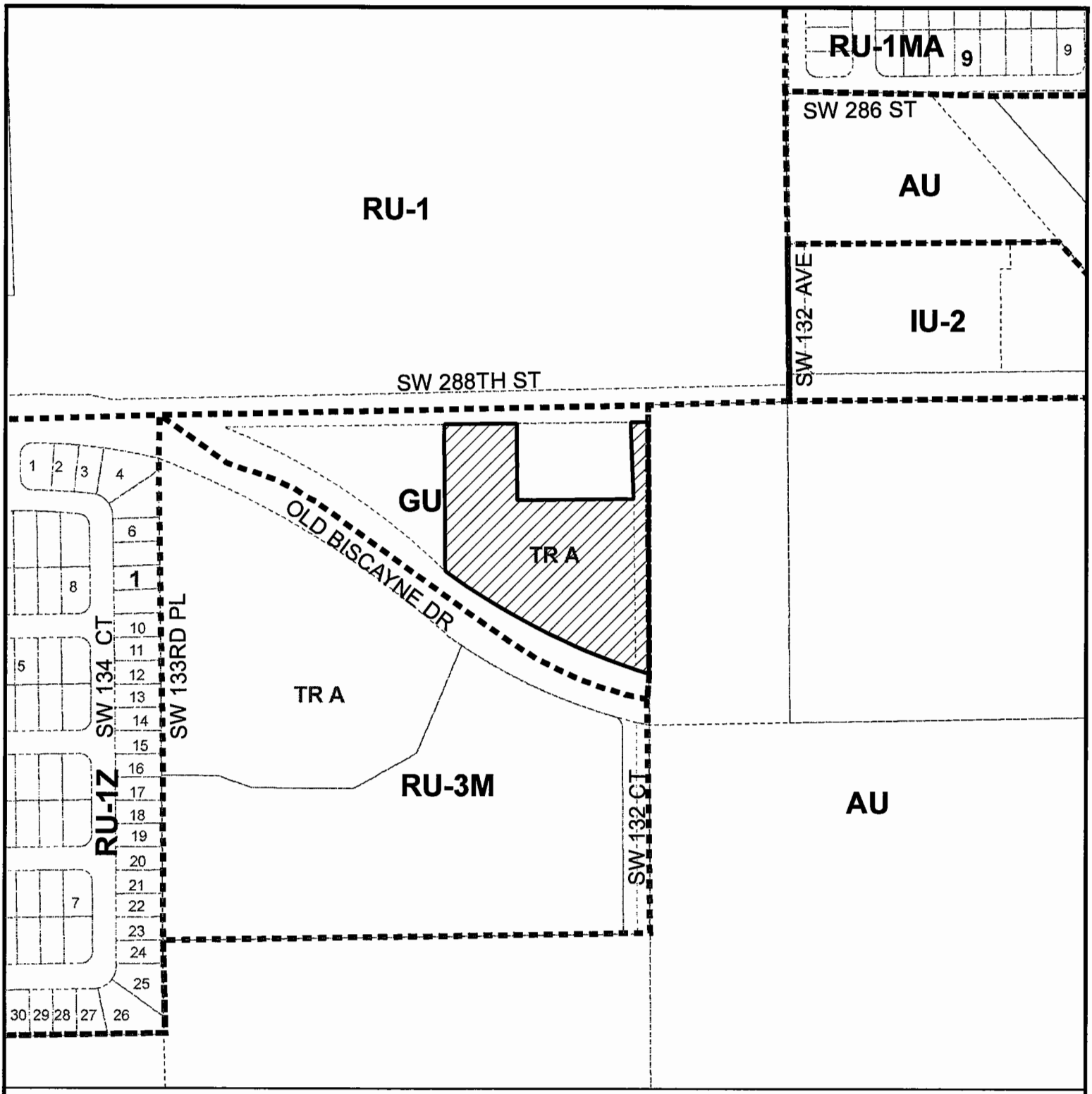
APR 05 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEP
BY _____




# MIAMI-DADE COUNTY

**HEARING MAP**

**Process Number**

**Z2010000030**

**Section: 02 Township: 57 Range: 39**
**Applicant: ASPIRA OF FLORIDA, INC.,**
**Zoning Board: C15**
**Commission District: 9**
**Drafter ID: KEELING**
**Scale: NTS**

N
W E
S

**Legend**

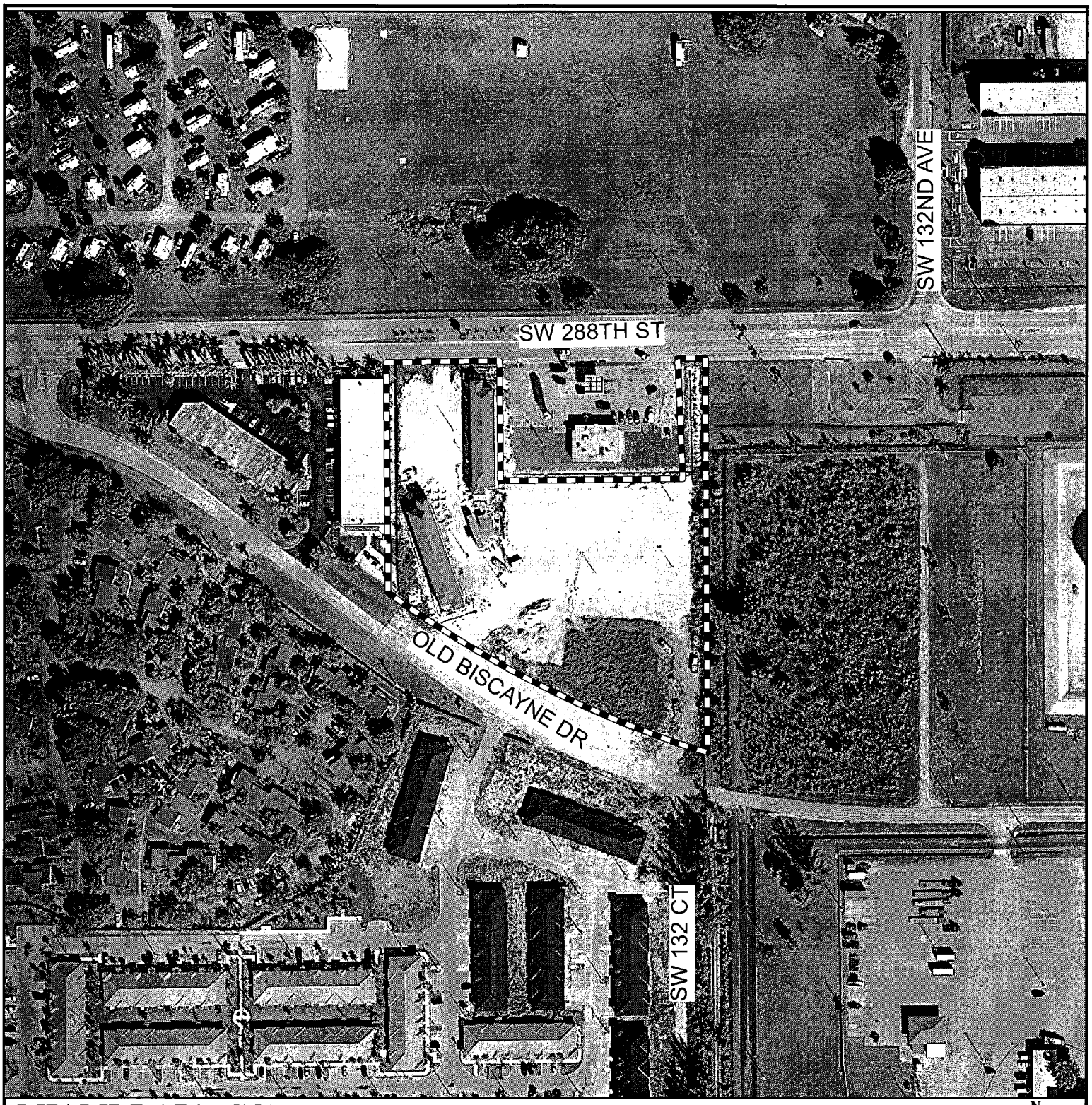
Subject Property Case

Zoning

MIAMI-DADE COUNTY

**SKETCH CREATED ON: Monday, April 12, 2010**

| REVISION | DATE | BY |
|---|---|---|
| | | 40 |




# MIAMI-DADE COUNTY

**AERIAL YEAR 2009**

**Process Number**

# Z2010000030

**Section: 02 Township: 57 Range: 39**
**Applicant: ASPIRA OF FLORIDA, INC.,**
**Zoning Board: C15**
**Commission District: 9**
**Drafter ID: KEELING**
**Scale: NTS**

N
W E
S

**Legend**

Subject Property

MIAMI-DADE COUNTY

**SKETCH CREATED ON: Monday, April 12, 2010**

| REVISION | DATE | BY |
|---|---|---|
| | | |